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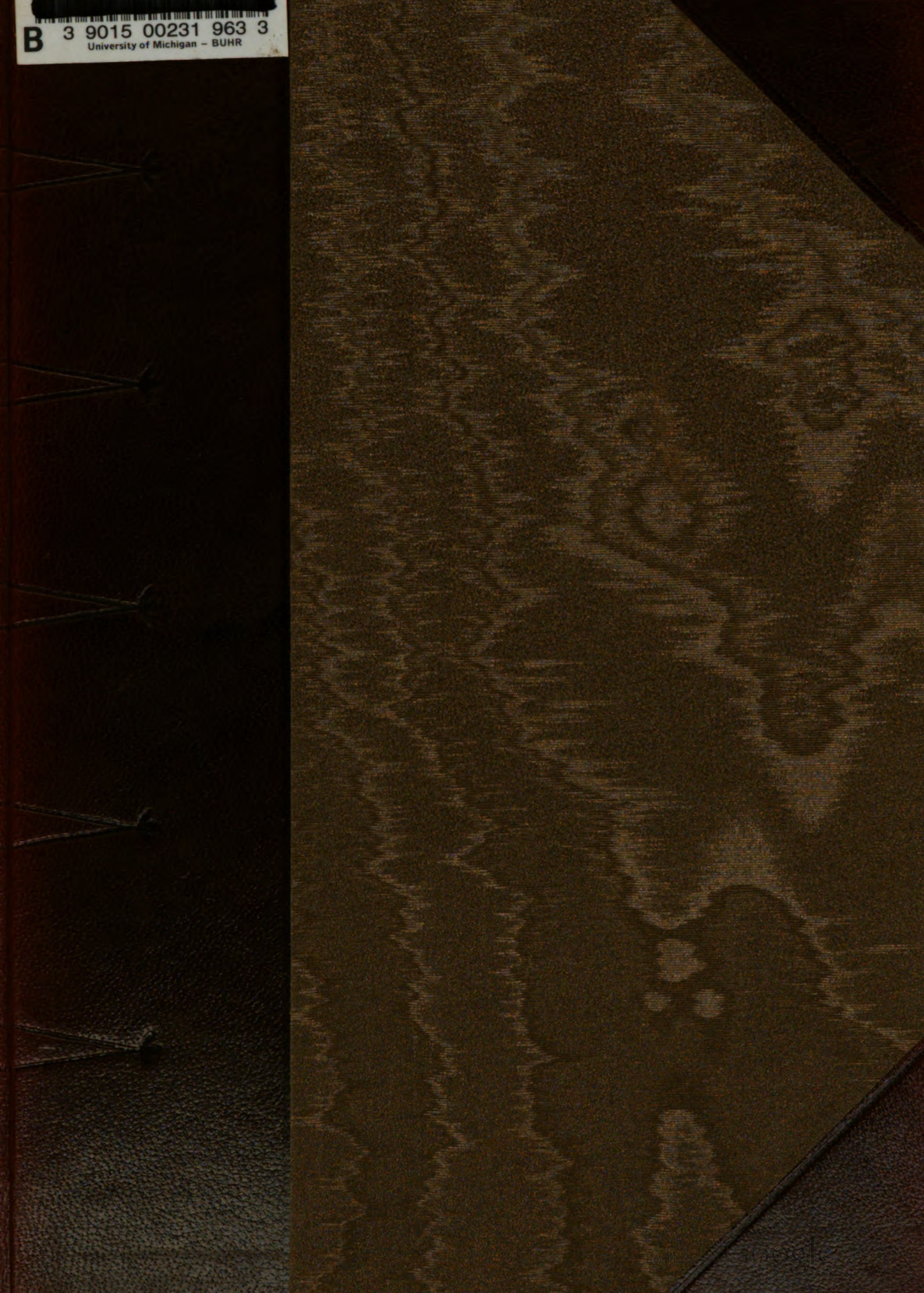
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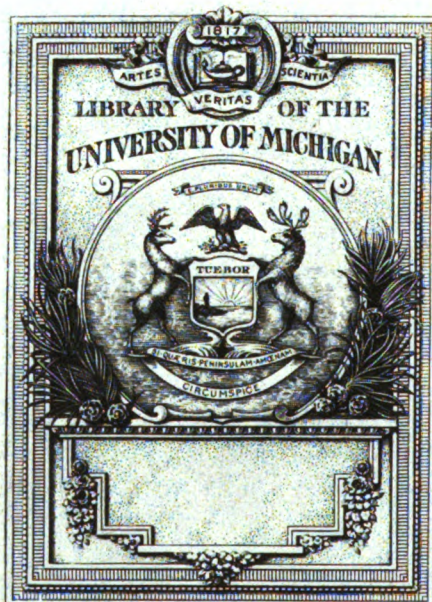
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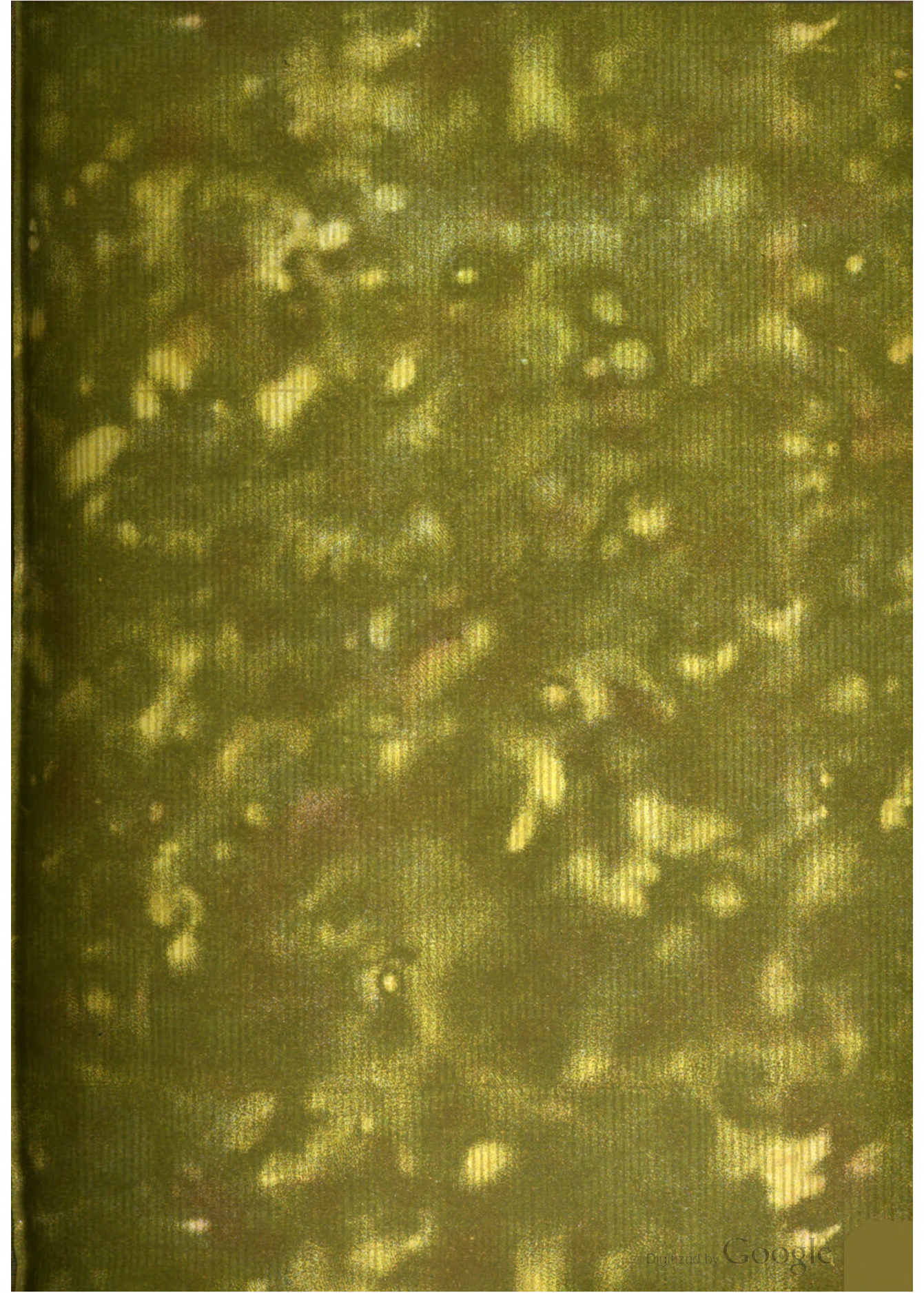
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Miss Kinda Eberbach





LECTURES
ON THE
GROWTH AND DEVELOPMENT
OF THE
UNITED STATES

Illustrated

Editors

EDWIN WILEY, M.A., Ph.D.

*Formerly of the Library of Congress
Editorial U. S. Navy*
**THE SIGNING OF THE DECLARATION OF
INDEPENDENCE**

*From the painting in the rotunda of the Capitol at Washington, painted by
John Trumbull about 1820.*

Advisory Editor

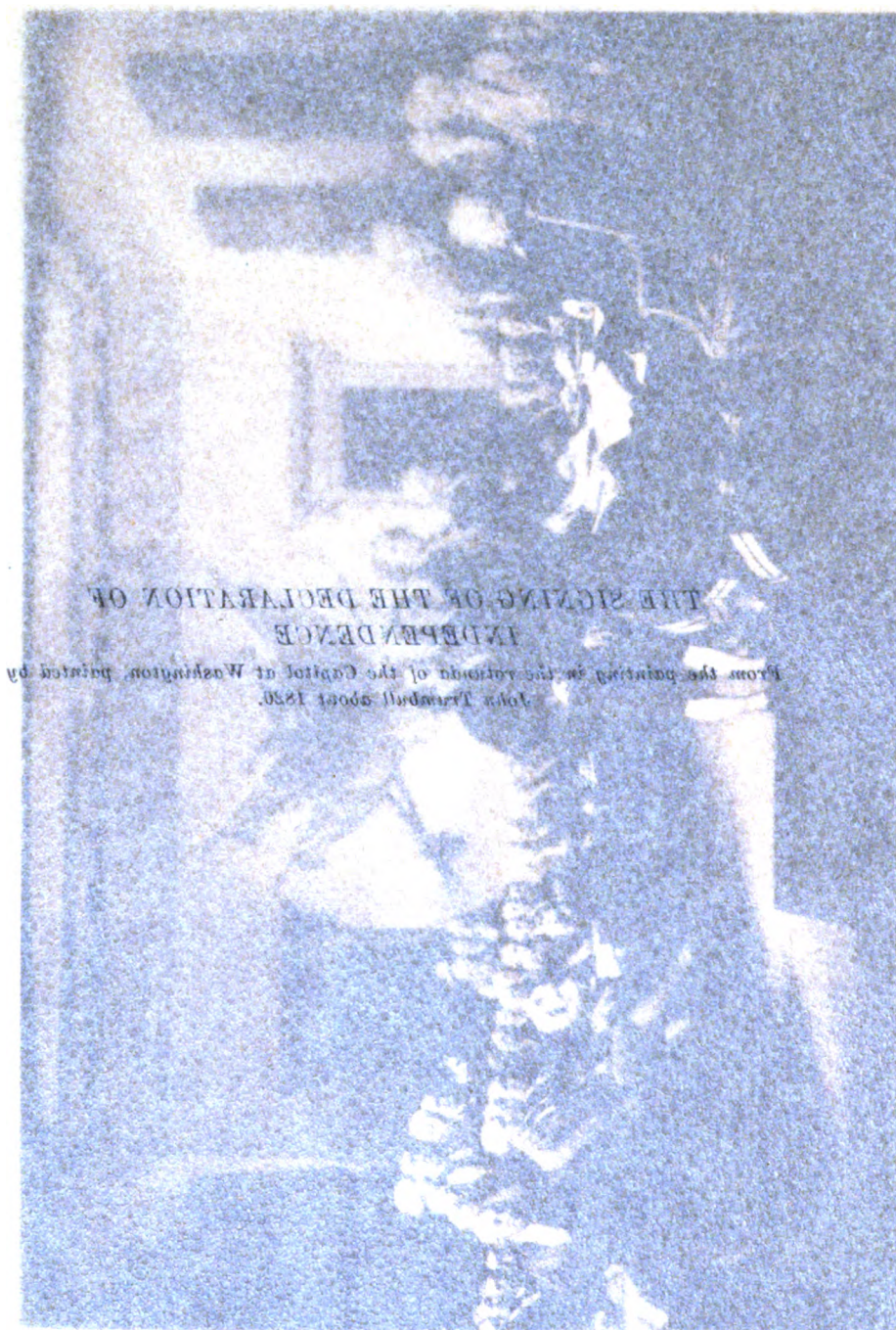
(In the Field of International Relations and Government)

ALBERT BUSHNELL HART, Ph.D., LL.D., LL.M.

Professor of Government in Harvard University

ELEVEN VOLUMES
WITH MAPS AND ILLUSTRATIONS

AMERICAN EDUCATIONAL ALLIANCE
NEW YORK



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17. The Southern Campaign and the Establishment of Independence

THE UNITED STATES

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1777.

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Washington's letter to Congress regarding army affairs — Washington appointed dictator — He determines to strike an effective blow at the British — Captures the Hessians under Rall at Trenton — Consternation of the British — Cornwallis attacks Washington — The battle of Princeton — American troops overrun Jersey — Americans take advantage of Howe's proclamation — Washington's counter proclamation — Excesses and barbarities of both armies — Howe's treatment of prisoners — Washington's protests — Army is inoculated — Heath attempts to capture Fort Independence — British depredations at Peekskill and in Connecticut — Attack on Sag Harbor — Capture of General Prescott.

It will be remembered that when the British army approached Philadelphia, Congress had considered it prudent to retire to Baltimore. Despite the success of the British, Congress still manifested unshaken faith in the ultimate outcome and resolved upon active measures in behalf of the cause of liberty. One of the most important steps upon which they decided would probably never have taken place, had not Washington been in command of the army. Washington was well aware that the numerous reverses experienced by the Continental army had taught Congress that greater vigor and efficiency must be infused into the military system, or otherwise the colonial cause must be hopeless. On December 20, therefore, he addressed a letter to the President of Congress in which he urged that his views be adopted. He said:

"My feelings as an officer and a man have been such as to force me to say, that no person ever

had a greater choice of difficulties to contend with than I have. It is needless to add, that short enlistments, and a mistaken dependence upon militia, have been the origin of all our misfortunes, and the great accumulation of our debt. We find, Sir, that the enemy are daily gathering strength from the disaffected. This strength, like a snowball, by rolling, will increase, unless some means can be devised to check effectually the progress of the enemy's arms. Militia may possibly do it for a little while; but in a little while, also, and the militia of those States, which have been frequently called upon, will not turn out at all; or, if they do, it will be with so much reluctance and sloth, as to amount to the same thing. Instance New Jersey! Witness Pennsylvania! Could any thing but the river Delaware have saved Philadelphia? Can any thing (the exigency of the case may indeed justify it), be more destructive to the recruiting service than giving ten dollars' bounty for six weeks' service of the militia, who come in, you cannot tell how, go, you cannot tell when, and act, you cannot tell where, consume your provisions, exhaust your stores, and leave you at a critical moment? These, Sir, are the men I am to depend upon ten days hence; this is the basis on which your cause will and must forever depend, till you get a large standing army sufficient of itself to oppose the enemy." *

He said also that the 88 battalions, which had already been ordered by

* Sparks, *Life of Washington*, pp. 206-207.

Congress, were insufficient to carry on the war, and urged that the army be greatly augmented. He concluded his letter in the following terms:

"It may be thought that I am going a good deal out of the line of my duty, to adopt these measures, or to advise thus freely. A character to lose, an estate to forfeit, the inestimable blessings of liberty at stake, and a life devoted, must be my excuse." *

This letter deeply impressed the members of Congress, and they promptly met the emergency. On December 27 it was resolved that unlimited powers be placed in Washington's hands. Declaring that "the unjust, but determined purpose of the British court to enslave these free states, obvious through every insinuation to the contrary, having placed things in such a situation, that the very existence of civil liberty, now depends on the right exercise of military powers; and the vigorous and decisive conduct of these being impossible to distant, numerous, and deliberate bodies," Congress passed the following resolution:†

"That General Washington shall be, and he is hereby, vested with full, ample, and complete powers to raise and collect together, in the most speedy and effectual manner, from any and all of these United States, sixteen battalions of infantry, in addition to those already voted by Congress; to appoint officers for the said battalions of

infantry; to raise, officer, and equip three thousand light horse, three regiments of artillery, and a corps of engineers, and to establish their pay; to apply to any of the states for such aid of the militia, as he shall judge necessary; to form such magazines of provisions, and in such places as he shall think proper; to displace and appoint all officers under the rank of brigadier-general, and to fill all vacancies in every other department of the American armies; to take, wherever he may be, whatever he may want for the use of the army, if the inhabitants will not sell it, allowing a reasonable price for the same; to arrest and confine persons who refuse to take the continental currency, or are any otherwise disaffected to the American cause; and return to the states, of which they are citizens, their names and the nature of their offences, together with the witnesses to prove them." *

These powers were entrusted to Washington for a period of six months, unless Congress should revoke them prior to that time. When acknowledging these resolves, Washington assured Congress that he would employ his best endeavors to properly direct the powers which had been bestowed upon him, and to advance those objects and those only, which had given rise to so honorable a distinction. He said:

"If my exertions should not be attended with the desired success, I trust the failure will be imputed to the true cause—the peculiarly distressed situation of our affairs, and the difficulties I have to combat,—rather than to a want of zeal for my country, and the closest attention to her interests, to promote which has ever been my study." †

At this time, the condition of affairs was extremely alarming, and it was of great importance that some blow

* Sparks' ed. of *Washington's Writings*, vol. iv., p. 232; *ibid*, *Life of Washington*, p. 207; Lodge, *George Washington*, vol. i., p. 174.

† *Journals of Congress*, vol. ii., p. 475. This resolution was adopted December 27 before Congress had heard of the battle of Trenton, which occurred on the 25th.—Stryker, *Battles of Trenton and Princeton*, pp. 243–244; Force, *American Archives*, 5th series, vol. iii., p. 1613.

* See also Carrington, *Battles of the Revolution*, p. 280; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 24–25.

† Sparks' ed. of *Washington's Writings*, vol. iv., pp. 252, 552.

should be struck to revive the spirit of the country, which had been greatly depressed because of the retreat through Jersey. When Washington crossed the Delaware, winter was fast approaching, and the British general had not planned to carry on military operations during the winter. The British had constantly driven the Americans before them without loss on their part, and it was now confidently expected that it would be possible to completely annihilate the American army by a short and decisive campaign in the spring. Consequently, fearing little from the feeble American army, Howe cantoned his troops rather with the view to the convenient resumption of their march in the spring than with any regard to securing their present safety. He had not the slightest apprehension that an attack would be made, and established his posts with little regard as to whether they would be able to render mutual support to each other.

A body of about 1,500 Hessians had been stationed at Trenton under Colonel Rall,* and 2,000 at Bordentown, further down the river, under Count Donop, while the remainder of the army was scattered over the country between the Hackensack and the Delaware.† Because of his overpowering

force, Howe had no reason to suspect that the Americans would make an attack, and the idea that Washington would undertake any offensive measures never entered Howe's mind.* Washington, however, determined to anticipate Howe's movements and to strike a blow which would demonstrate to the enemy that the strictest military discipline must be maintained, if Howe wished to retain his army intact. He also wished to show that the cause of independence was by no means hopeless.† In pursuance of his plan, Washington formed his army into three divisions, and, accompanied by Greene, Sullivan, and Henry Knox with the artillery, he proposed to cross the Delaware at McConkey's Ferry, nine miles above Trenton, and fall upon the Hessians stationed at that town. A second division under General James Ewing‡ was to cross at Trenton ferry and cut off the enemy's

velyan, *American Revolution*, vol. iii., p. 55 *et seq.*

* According to the journals of two Hessian lieutenants, there was more bustle than business at Trenton. The men were put through all sorts of maneuvers, apparently without cause or purpose. These officers state that Rall was a boon companion, kept late hours at night and slept until late in the morning, having little respect for his military duties. See Irving, *Life of Washington*, vol. ii., p. 504 *et seq.*

† See the letter quoted in Carrington, *Battles of the Revolution*, pp. 267-268; and the instructions in Brooks, *Life of Knox*, p. 78.

‡ The name of this officer is spelled differently by several writers. Marshall and Lossing spell it Irvine; Washington himself gives it as Ewing; Wilkinson has it Irvin; Botta, Irwin; and Gordon, Erwing. Washington certainly ought to have known the proper spelling of the names of his generals, and we have followed him.

* This is also spelled Rohl, Roll, Ralle, Rhalle, Rhal, Rawle, but Rall is undoubtedly correct. See the notes in Carrington, *Battles of the Revolution*, p. 277; Lossing, *Field-Book of the Revolution*, vol. ii., p. 20.

† Lowell, *Hessians in the Revolution*, p. 87. On the measures taken to defend themselves, see Tre-

retreat on the bridge over the Assanpink. The other division, under General John Cadwalader, was to cross the river lower down, from Bristol over to Burlington.* The only unfortunate part of the whole affair was that Washington's plan was not executed as he proposed, for, had it been carried out in all its details, the whole line of British cantonments would undoubtedly have been captured. Washington selected Christmas Eve as the time for the attack, under the belief that the British troops would be more than ordinarily given up to festivity and indulgence, and consequently would be more or less off their guard. The night proved to be intensely cold; the river was filled with masses of floating ice; the current was strong and the wind was keen and sharp. The encumbered state of the river prevented the passage of Washington's division until long after midnight, and it was not until four o'clock that the whole body was in marching order on the opposite side of the river. A heavy fog had also arisen, the road was rendered slippery by a frosty mist, and to further add to their discomfort, the whole march was conducted through a heavy storm of snow and hail.† Because of the delay in transporting the troops over the river, it would be daylight before the troops could reach Trenton, and consequently

a surprise of the Hessians at that place was impossible. There was now no alternative but to proceed according to the plan.* Accompanied by Generals Stirling, Greene, Hugh Mercer, and Adam Stephen, Washington proceeded by the upper road, while Sullivan took the lower.† About 8 o'clock in the morning, the pickets of the enemy were encountered. The latter opened a brisk fire on the Americans from behind the houses, and gradually fell back upon the town where they aroused their sleeping comrades. But the Americans followed the pickets so closely that before the Hessians could offer any effectual resistance, a battery had been opened up at the end of the main street of the town. Upon being called to arms, the Hessians attempted to form a battery in King Street, but William Washington and James Monroe (afterward President), with a small party, drove the artillery men from their post and captured the two cannon.‡

Washington was now in a critical position, for the intended attack had been made known to Grant at Princeton and the latter had warned Rall to be on guard;|| accordingly, Rall was on the alert. About dusk on the 24th, a party of Americans had fired on the

* Johnston, *Campaign of 1776*, pp. 289-290; Stryker, *Battles of Trenton and Princeton*, pp. 81-82, 113, 344-347.

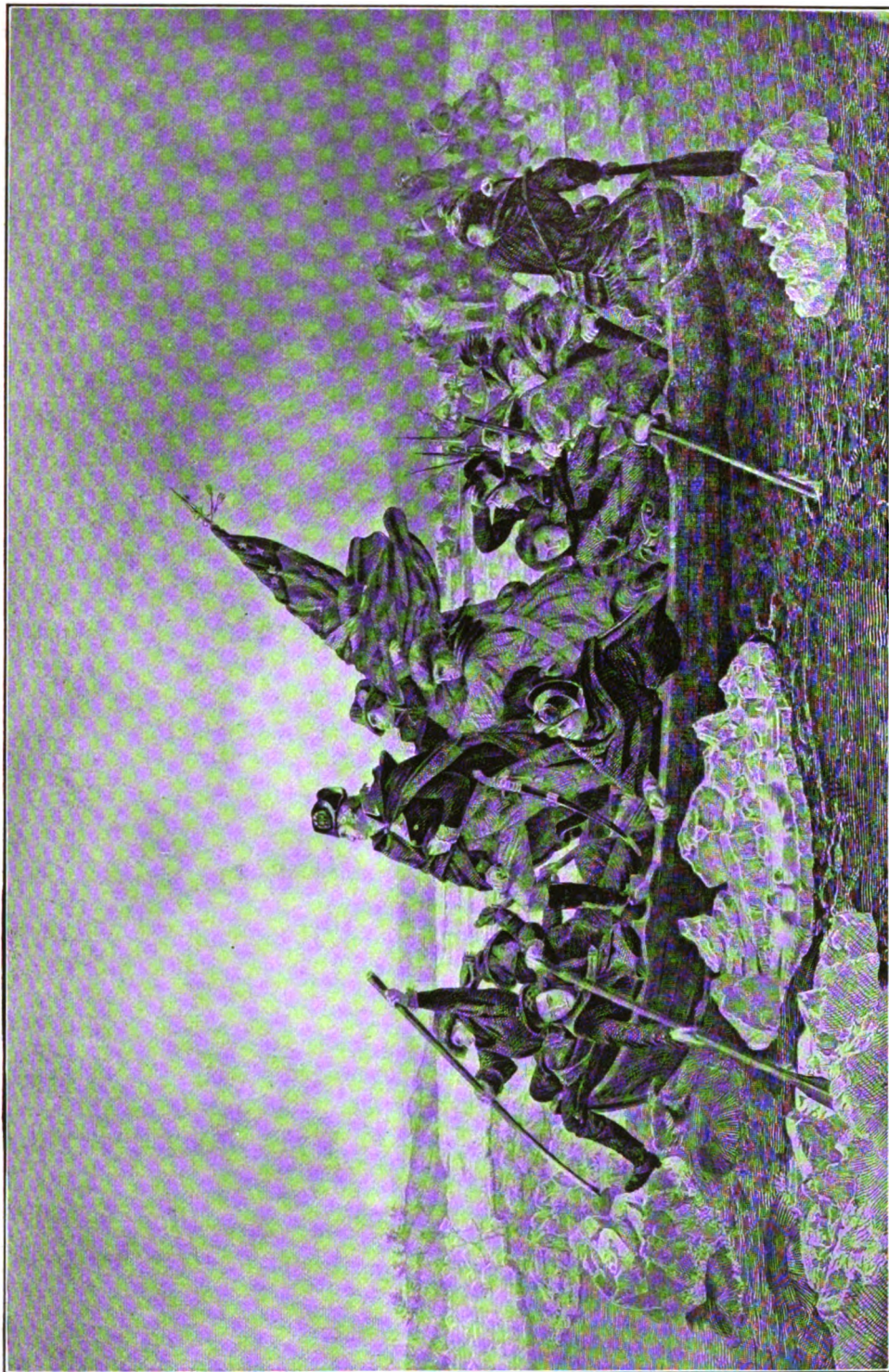
† Brooks, *Life of Knox*, p. 79.

* Fisher, *Struggle for American Independence*, vol. i., pp. 559-560; Trevelyan, *American Revolution*, vol. iii., pp. 99-101.

† Lossing, *Field-Book of the Revolution*, vol. ii., p. 20.

‡ *Ibid.*, pp. 20-21.

|| Trevelyan, p. 102; Irving, *Life of Washington*, vol. ii., p. 514.



WASHINGTON CROSSING THE DELAWARE.

picket, but were soon driven off.* As no further attack seemed imminent, Rall supposed that the attempt on the post had been abandoned, and, as the night was cold and stormy, allowed his troops to retire to quarters and lay aside their arms. Rall was very much mistaken in his surmise, however, for at this very moment Washington was crossing the Delaware.† By many it is said that Rall spent the night prior to the attack in a disgraceful carouse, and that even when the attack began he was still at the card table. When aroused by the roll of the American drums and the sound of the musketry, he hurried to his quarters, mounted his horse, and in a few moments was at the head of the troops, vainly endeavoring to atone for his fatal neglect by making as effectual a resistance as was possible under the circumstances. His attempt to rally the Hessians was cut short, however, when he was mortally wounded and carried to his quarters in a dying condition. All order was now at an end, and, bewildered and panic-stricken, the Hessians gave way and endeavored to make good their retreat by the road to Princeton. They were cut off, however, by a body of American troops which had been placed there for that special purpose, and about 1,000 men surrendered. Washington

* Gordon (vol. ii., p. 153) states that Captain William Washington was in command of a scouting party of about 50 soldiers, and performed this exploit without being aware of the advancing force under the commander-in-chief. See also Trevelyan, p. 103.

† Lowell, *Hessians in the Revolution*, pp. 90-91.

also captured six cannon, about 1,000 stand of arms, and several colors.* Upon the termination of the battle, Washington, accompanied by Greene, visited the dying Hessian soldier and expressed his sympathy for Rall, even though he was engaged in an entirely opposite cause.†

Meanwhile, the divisions under Ewing and Cadwalader had been unable to cross the river according to the plan, because of the ice floes, and for the same reason it was impossible to land the artillery.‡ Had the operations of these two divisions been successful, undoubtedly the party of light horse that fled from Trenton would have been intercepted and captured, and Cadwalader would also have been able to do good service at Burlington. As it was, however, these divisions were of little service to Washington. In this attack upon Trenton, the Americans lost only four or five men, while the Hessians lost, in addition to prisoners, 22 killed and 84 wounded.|| Two of the Americans reported as lost were frozen to death. On the night of December 26, Washington recrossed

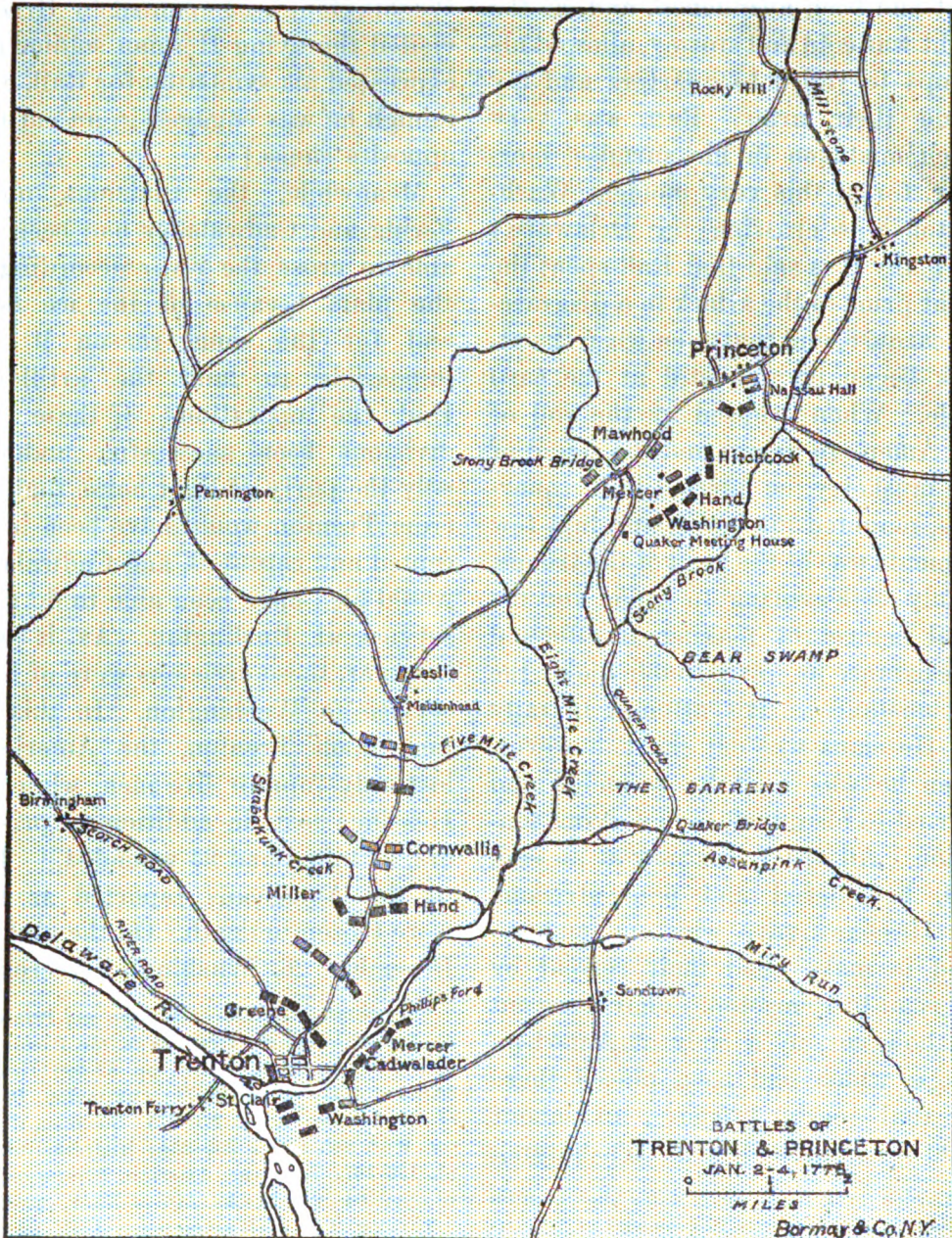
* See Stryker, *Battles of Trenton and Princeton*, pp. 218-220; Lowell, *Hessians in the Revolution*, pp. 92-99; Bancroft, vol. v., pp. 89-99; Thacher, *Military Journal*, pp. 70-71; Carrington, *Battles of the Revolution*, pp. 270-275; Stedman, *American War*, vol. i., pp. 230-234; Hildreth, vol. iii., pp. 166-167; Trevelyan, *American Revolution*, vol. iii., pp. 104-124; Brooks, *Life of Knox*, pp. 80-81.

† Irving, *Life of Washington*, vol. ii., pp. 522-523.

‡ See Cadwalader's letter to Washington in Sparks, *Correspondence of the Revolution*, vol. i., pp. 309-310; Sparks, *Life of Washington*, p. 213.

|| Stryker, pp. 194-195.

the Delaware with his prisoners and the artillery, arms, etc., which he had captured.* While Washington had failed in several parts of his enterprise, the success of the division under his own personal direction had



* Sparks' ed. of Washington's *Writings*, vol. iv., pp. 246-248; F. V. Greene, *Life of Greene*, p. 63; Brooks, *Life of Knox*, p. 92.

a most beneficial effect upon the minds of the Americans; and the Hessians, the very mention of whom had hith-

erto inspired the people with fear, now ceased to be terrible. The prisoners were paraded through the streets of Philadelphia, where Putnam was now in command, to prove that the victory was a reality, as the British had denied that such an event had occurred.* The hopes of the Americans were considerably revived, because they had now clearly proven that the British were not invincible, and they became more firm in their belief that perseverance and courage would finally result in success.† The British also discovered that they had to deal with a commander who was not only daring, but at the same time cautious and prudent; who, while he was prepared to retreat, was also ever ready to take advantage of the least oversight on their part, in order to convert defeat into victory.

While General Cadwalader had been unable to make the passage of the Delaware at the appointed hour, yet on the 27th, believing that Washington was still on the Jersey shore, he crossed the Delaware with about 1,500 men, two miles above Bristol, and though he had been informed that Washington had again passed into Pennsylvania, he proceeded to Burlington and then marched to Borden-

town, all the while driving the enemy before him as he advanced.* Large numbers of the militia in Pennsylvania now joined the army under Washington,† and on the 29th, he again crossed the Delaware and marched to Trenton, where early in January, 1777, he was able to gather together a force of 5,000 men.

Becoming alarmed at the success of the Americans, the British determined to offset these recent successes by inflicting a crushing blow. General Grant marched to Princeton with a strong detachment, and Lord Cornwallis, who at that time was on the point of sailing for England, was ordered to resume his command in the Jerseys.‡ Cornwallis and Grant joined forces and then pressed forward to Trenton. On their approach, Washington crossed the Assanpink and took post on some high ground with a rivulet in his front.|| On Jan-

* Carrington, *Battles of the Revolution*, p. 276; Stryker, *Battles of Trenton and Princeton*, p. 218; Cadwalader's letter to Washington in Sparks, *Correspondence of the Revolution*, vol. i., pp. 313-314.

† Ford's edition of *Washington's Writings*, vol. v., pp. 136, 137, 141.

‡ Fiske, *American Revolution*, vol. i., p. 231.

|| Marshall, speaking of the importance to Washington of obtaining secret intelligence of the plans of Cornwallis, states that at that critical moment Mr. Robert Morris raised on his private credit in Philadelphia £500 in specie, which he transmitted to the commander-in-chief, who employed it in securing information not otherwise to be obtained. — *Life of Washington*, vol. i., p. 130. Oberholtzer says that the sum consisted of 410 Spanish dollars, 2 English crowns, a French half-crown, and 10½ English shillings. — *Life of Robert Morris*, p. 30. Morris also sent him \$50,000 which he had raised on his own credit from friends in Philadelphia, so that Washington could pay the soldiers a bounty to re-enlist. See Stryker, p. 256; Oberholtzer,

* Stryker, *Battles of Trenton and Princeton*, 213-214; Lowell, *Hessians in the Revolution*, pp. 102-106; Force, *American Archives*, 5th series, vol. iii., pp. 1429, 1441-1448; Livingston, *Life of Putnam*, pp. 335-336; Irving, *Life of Washington*, vol. ii., pp. 525-528.

† Trevelyan, *American Revolution*, vol. iii., pp. 124-128.

uary 2 the British troops advanced against Washington's forces, and a cannonade was maintained until far into the night;* but though Cornwallis was urged by some of his officers to make an immediate attack, he concluded to wait until the next morning when he thought that it would be still more easy to secure a victory over the American forces. "At last," said he "we have run down the old fox, and we will bag him in the morning."†

Washington was now in a critical situation, for if he awaited the attack he would surely be crushed by a superior force, while, on the other hand, to attempt to escape by crossing the Delaware would be even more hazardous. He therefore called a council of war, at which it was suggested that he take his troops around the British army and strike them suddenly upon the rear, fall upon their magazines at Brunswick and carry the war again from the neighborhood of Philadelphia into the mountainous interior of Jersey. This plan was adopted and no time was lost in putting it into operation.‡ Sending the

superfluous baggage down the river to Burlington, keeping the watch fires lighted, maintaining a strict patrol, and also working upon new entrenchments so as to deceive the enemy, Washington's army silently abandoned the camp about midnight and marched off by a circuitous route through Allentown toward Princeton.*

While it was the most inclement season of the year, the Americans were greatly favored by the weather. For two days it had been warm and foggy, which rendered the roads almost impassable; but at about the time the march was begun, the wind suddenly shifted and a heavy frost set in, leaving the roads solid and easy of passage.† Greatly encouraged by this turn of affairs, the American army marched forward with high spirits. At Princeton, Cornwallis had left three regiments, under Colonel Charles Mawhood, with orders to advance on January 3. Toward daybreak of the 3d, as they were executing these orders, they suddenly came in sight of the approaching Continental forces and almost immediately were engaged in action. From their post behind the fence, the Americans poured in a heavy and well-directed fire against the

Life of Robert Morris, pp. 30-32; Force, *American Archives*, 5th series, vol. iii., p. 1514; Henry Simpson, *The Lives of Eminent Philadelphians*, p. 706. See also Morris' letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. i., pp. 316-317.

* Carrington, *Battles of the Revolution*, pp. 284-286; Knox's letter of January 7 to his wife, in Brooks, *Life of Knox*, pp. 83-84.

† Fiske, *American Revolution*, vol. i., p. 232. See also Trevelyan, *American Revolution*, vol. iii., pp. 130-132; F. V. Greene, *Life of Greene*, p. 64.

‡ General St. Clair is supposed to have been the author of this plan. See Wilkinson's *Memoirs*, vol. i., p. 140; Stryker, *Battles of Trenton and*

Princeton, p. 273; *St. Clair Papers*, vol. i., pp. 35-36; Greene, *Life of Greene*, vol. i., p. 303.

* Johnston, *Campaign of 1776*, pp. 293-294; Carrington, pp. 286-287; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 26-27; Irving, *Life of Washington*, vol. ii., pp. 541-543.

† Johnson, *General Washington*, p. 153.



1. SURRENDER OF RALL AT THE BATTLE OF TRENTON.
2. THE BATTLE OF PRINCETON.

British, who, after the first volley, charged with such impetuosity that the Americans broke and precipitately fled, closely pursued by the British.* In their flight, however, the Americans were suddenly arrested by the arrival of a force under Washington, who, having beheld the rout, hastened to the scene of battle, and, colors in hand, endeavored to rally the retreating soldiers.† Probably at no time during his life was Washington so exposed to danger, but he finally succeeded in rallying the Americans. Both the English and American lines were immediately reformed. Washington, whose ardor had carried him into a most perilous position, stood between the two forces, a mark for the bullets of both,‡ yet he fortunately escaped injury and urged his men forward to the attack. Without waiting the onset, the British fled. Mawhood, having seen reinforcements arrive, wheeled off, leaving his artillery, and, regaining the Princeton road, marched to join Cornwallis.|| Having routed the British, Washington advanced toward Princeton where he also put to flight a regiment of British and took a number of prisoners. In this action the American loss was about 30 killed, including several officers, while

the British loss was 150 killed and 230 prisoners.* The chief loss to the American army was General Mercer, who was mortally wounded and died on January 12.†

Meanwhile, early in the morning, Cornwallis discovered that Washington had made his escape and for a time was perplexed as to what direction the "old fox" had taken. However, when he heard the booming of cannon in the direction of Princeton, he quickly saw that Washington had outgeneraled him.‡ Becoming alarmed for the safety of the stores at Brunswick, he made a rapid march toward Princeton in the hope of overtaking the American forces and inflicting a decisive defeat. The Americans had intended to make a forced march to Brunswick to capture the British stores, but the battle in the morning had so completely exhausted the men (who had been without rest and almost without food for two days and nights) that this project was abandoned.|| As Washington proceeded toward Morristown, Cornwallis pressed close on his rear, but on crossing the Millstone River the American troops demolished the bridge at Kingston, and Cornwallis

* Fisher, *Struggle for American Independence*, vol. i., p. 567; Trevelyan, *American Revolution*, vol. iii., pp. 133-135.

† Carrington, *Battles of the Revolution*, pp. 287-288; Johnson, *General Washington*, p. 154; Irving, *Life of Washington*, vol. ii., p. 546.

‡ Lodge, *George Washington*, vol. i., p. 177.

|| Trevelyan, *American Revolution*, vol. iii., p. 136.

* Bancroft, vol. v., pp. 100-107; Carrington, *Battles of the Revolution*, p. 289; Ford's ed. of Washington's *Writings*, vol. v., pp. 148-151; Wilkinson's *Memoirs*, vol. i., pp. 141-150; Stryker, *Battles of Trenton and Princeton*, p. 292.

† Lossing, *Field-Book of the Revolution*, vol. ii., pp. 28-30; Brooks, *Life of Knox*, pp. 84-85.

‡ Fiske, *American Revolution*, vol. i., p. 234.

|| Fisher, *Struggle for American Independence*, vol. i., p. 569; Trevelyan, p. 137.

was compelled to relinquish the pursuit.* Both armies were now completely exhausted, the British being as unable to pursue the Americans as the latter were to retreat. Washington occupied a position at Morristown, with Cornwallis remaining at Brunswick.†

From his headquarters at Morristown, Washington was able to direct a series of movements calculated to greatly annoy the British army. He had a fine country in his rear from which the army could draw bountiful supplies, and, if pressed by the enemy, he could easily retreat across the Delaware. Consequently, he despatched his troops on a number of expeditions, overrunning both East and West Jersey and penetrating into the county of Essex, finally making himself master of the coast opposite Staten Island. Even though his army was greatly inferior to the British, Washington succeeded in wresting from the British all the ground they had gained in their previous campaigns. Brunswick and Amboy were the only posts which remained in the hands of the British, and even there they were in a very straitened condition.‡ Because of the unwearied activities of the American detachments, the British advance guards

were frequently cut off and in a state of continual alarm. This desultory and destructive warfare not only lost to the British large numbers in killed and wounded, but caused many of their former adherents to desert the cause.*

It will be remembered that in the previous November General Howe had issued a proclamation calling upon the Americans to submit to British authority and promising them protection both to person and to property, should they do so. Many Americans in the neighborhood of the British troops took advantage of this proclamation and went over to the British,† among them being Joseph Galloway, who, in 1774, had been a member of Congress from Pennsylvania. Howe in his proclamation had allowed sixty days in which the Americans might abandon their country and join the British standard. On January 25, 1777, before the expiration of that period, Washington issued a counter proclamation commanding all those who had subscribed the Declaration, taken the oaths, and accepted the protections mentioned in the Declaration by the British commissioners, to retire to headquarters or to the nearest military station of the Continental army or militia, and there to deliver up such protection and to take the oath of allegiance to the United States.

* Lossing, *Field-Book of the Revolution*, vol. ii., pp. 31-32.

† Sparks' ed. of *Washington's Writings*, vol. iv., p. 258. See also Stryker, *Battles of Trenton and Princeton*.

‡ Trevelyan, *American Revolution*, vol. iii., p. 140 *et seq.*; Brooks, *Life of Knox*, p. 86.

* See Trevelyan, *American Revolution*, pt. iii., (hereinafter referred to as vol. iv.), p. 1 *et seq.*;

† See Adams' letter to Warren, April 29, 1777. Adams, *Works*, vol. ix., pp. 463-464.

He granted liberty, however, to all those who preferred "the interest and protection of Great Britain to the freedom and happiness of their country," to withdraw themselves and their families within the enemy's lines.* He declared that all those who failed to comply with his orders within thirty days would be deemed adherents of the British cause and be treated as enemies to the United Colonies.† This proclamation had a wonderful effect upon the people, for when Washington was being driven by the British across New Jersey, many had considered the American cause hopeless and had retired to the British side.‡ But instead of receiving the protection promised by the British, they had suffered all manner of indignity and had been plundered with indiscriminate and unsparing

rapacity, until their passions had been thoroughly aroused and they were in a mood to desire revenge. They were now ready to join the American forces in a supreme endeavor to drive the British oppressors from the country.* Washington's vigorous movements had created a most favorable impression not only in America, but also in foreign countries. Botta says:

"Achievements so astonishing obtained an immense glory for the captain-general of the United States. All nations shared in the surprise of the Americans; all equally admired and applauded the prudence, the constancy, and the noble intrepidity of General Washington. An unanimous voice pronounced him the savior of his country; all extolled him, as equal to the most celebrated commanders of antiquity; all proclaimed him the FABIUS OF AMERICA. His name was in the mouth of all; he was celebrated by the pens of the most distinguished writers. The most illustrious personages of Europe lavished upon him their praises and their congratulations. The American general, therefore, wanted neither a cause full of grandeur to defend, nor occasion for the acquisition of glory, nor genius to avail himself of it, nor the renown due to his triumphs, nor an entire generation of men perfectly well disposed to render him homage." †

One of the saddest aspects of the war were the shocking excesses committed by both armies, but chiefly by the British. When the royal army crossed Jersey, many licenses of protection signed by the commander-in-chief had been given to the inhabitants, but to all intents and purposes the people might just as well have had none, for neither the proclamation of the commissioners nor the protections

* Ford's ed. of *Washington's Writings*, vol. v., p. 201 *et seq.*; Lodge, *George Washington*, vol. i., p. 183; Gordon, *American Revolution*, vol. ii., p. 414 (ed. 1788); Force, *American Archives*, 5th series, vol. iii., pp. 1188, 1376, 1487; Van Tyne, *Loyalists in the Revolution*, p. 129 *et seq.*; Sparks, *Life of Washington*, p. 220.

† Irving, *Life of Washington*, vol. iii., pp. 8-9. Mr. Curtis notices the fact that the legislature of New Jersey were disposed to complain of this act of Washington as an invasion of their State rights and sovereignty. One of the delegates from that State in Congress, Abraham Clark, went even so far as to denounce it as improper. It is a curious illustration of the extreme jealousy and sensitiveness of many in the community on the subject of the power and authority of the Federal government. See Curtis, *History of the Constitution*, vol. i., pp. 107-108 (*Constitutional History*, vol. i., pp. 74-75).

‡ On the writings of the Loyalists at this time and subsequently see Tyler, *Literary History of the American Revolution*, vol. ii., chaps. xxvii.-xxix.

* Trevelyan, *American Revolution*, vol. iv., p. 5.

† Botta, *History of the War of Independence*, vol. ii., p. 227.

saved them from plunder or insult. Their property was confiscated, even though the protections were shown; the Hessians themselves could not read these protections or would not understand them, and the British troops considered that they possessed equally with the Hessians the right to share in the booty.* The worst of these plunderers was General De Heister, who even offered his New York residence for sale, though the property belonged to a Loyalist who had voluntarily accommodated De Heister and allowed him to use it as his headquarters. The possessions of those who were prisoners in the American camps were sold at auction, and even the carriages of the Americans at New York were seized by the British officers and appropriated to their own use. The pillaging of both friend and foe was carried on unrelentingly in Jersey, the British sparing neither age nor sex. Every description of furniture was destroyed and burnt; windows and doors were broken to pieces; houses were left uninhabitable and the people without provisions, the British carrying off every horse, cow, ox, and fowl. Not only were these excesses committed against property, but also against persons, the women in particular suffering from the brutality of the soldiers. A

number of young women fled to the woods to avoid the brutality of the soldiers stationed near Pennycott, but they were pursued and captured, and carried off to the British camp.

These actions aroused intense indignation throughout the country and were echoed and re-echoed throughout Europe, to the reproach of the British. Citizens of all classes flew to arms to expel from the country these infamous robbers. The British sowed the wind and reaped the whirlwind, for the excesses of the army were more injurious to the British cause than even the efforts of Washington and the resolves of Congress. Had Howe at this time followed Carleton's humane course in Canada, a large portion of the people who had been fairly driven into Washington's army, if they did not join the British army, would at least have remained neutral. Furthermore, among the European nations, the British were regarded with unfeigned disgust as having revived in the New World the barbarities of the northern hordes and the fury of the Goths. Such countries as had remained friendly to England, now turned against her and became more bitter in their enmity than they had been warm in their friendship.

As before stated, however, the depredations and outrages were not altogether confined to the British. The American troops had been forced in a great many cases to go to the surrounding counties for supplies, etc., but instead of confining their

* Fisher, *Struggle for American Independence*, vol. ii., p. 4. See also Lossing, *Field-Book of the Revolution*, vol. i., p. 368; Trevelyan, *American Revolution*, vol. iii., p. 29 *et seq.*; Irving, *Life of Washington*, vol. iii., p. 3 *et seq.*

operations to securing these supplies, the soldiers pillaged and plundered not only the property of enemies, but also that of friends of the American cause. Under the pretext that they were owned by Loyalists, the houses and property of the New Jersey people were sacked, the officers themselves leading in this form of excess. Consequently, the unfortunate Jerseyites were between two fires — the British robbing them under the pretext that they were rebels, while the Americans did the same under the pretext that they were British partisans. Finally, the excesses on the part of the Americans became so extensive and so revolting that Washington issued a proclamation forbidding it and promising the most vigorous punishment to those who should be convicted of such offenses. He said in his general orders: “The general prohibits, both in the militia and continental troops, in the most positive terms, the infamous practice of plundering the inhabitants, under the specious pretence of their being Tories. It is our business to give protection and support to the poor distressed inhabitants, not to multiply and increase their calamities. After this order, any officer found plundering the inhabitants, under the pretence of their being Tories, may expect to be punished in the severest manner. The adjutant-general to furnish the commanding officer of each division, with a copy of these orders, who is to cir-

culate copies among his troops immediately.” *

Gordon in his history of the war, a valuable and reliable work,† gives an account of the suffering of the prisoners in the hands of the British. According to Gordon,‡ General Howe in January discharged all the privates who were then prisoners of the British in New York, but the Americans complained that he had subjected them to all manner of horrible usage after they had been captured.¶ It will be remembered that on November 16 the garrison at Fort Washington had surrendered to the British, the terms being that the troops should be considered as prisoners of war and that the American officers should be allowed to retain their baggage and side arms. These articles had been written and signed and were afterward published in the New York newspapers; but hardly had the troops arrived in New York when the British began to treat them in a manner far from lenient. Major Otho H. Williams, of Rawlings’ rifle regiment, had fallen into the hands of the British, and his hopes of being treated with leniency were shortly dispelled by the insolence of the soldiers of the British army and by the haughty deportment

* See Van Tyne, *Loyalists in the Revolution*, p. 173 *et seq.*

† See Tyler’s opinion in *Literary History of the American Revolution*, vol. ii., pp. 423–427.

‡ *History of the American Revolution*, vol. ii., pp. 173–175 (1st ed.).

¶ See Allen, *Narrative of Colonel Ethan Allen’s Captivity*, p. 78 *et seq.*

of the British officers. The baggage of the American prisoners was plundered; they were robbed of their side arms, hats, clothing, etc., and in many ways grossly maltreated. Williams and several of his companions were placed on board the *Baltic Merchant*, then lying in the Sound, and were allowed only a meagre pittance of pork and parsnip for rations, though the wretchedness of his situation was in a slight degree alleviated by the kindness of one of the British sailors who gave him food from his own mess. Rawlings and his companions, all wounded officers, on the fourth day of their captivity were placed in a common dirt cart and dragged through the city of New York, to be held up as objects of derision and to be reviled as rebels.* After this treatment, they were placed in an old, filthy waste house which Howe himself had refused as barracks for his soldiers. The food was of the worst quality, consisting of six ounces of pork, one pound of biscuit, and some peas per day for each man, with $2\frac{1}{2}$ bushels of coal per week for the officers to each fireplace. In the coldest season of the year, the privates were confined in churches, sugar houses, and other open buildings without fires, and consequently suffered from the cold and inclement weather. The officers were insulted and even struck for attempting to relieve the misery of the privates, who, because their constitutions

had been undermined by the treatment accorded them, were unable longer to withstand this punishment and died by hundreds. It is supposed that not less than 1,500 prisoners perished within the course of a few weeks in the city of New York alone, which mortality was undoubtedly due to the lack of provisions and the extreme cold.

The filth in the churches was beyond description, seven dead bodies being found in one of them at the same time.* The provisions allowed to the prisoners were insufficient to support them, and the quality was still worse. The bread was loathsome and unfit to be eaten, while the allowance of meat was trifling and of the baser sort.† The British added insult to injury by offering to relieve the sufferings of the poor wretches if they would join the British cause, but hundreds of the prisoners preferred death to enlistment in the British service.‡ It was supposed by the American troops that General Howe and his officers were perfectly conversant with the conditions among the American prisoners, and they firmly believed that these conditions were exactly as he and his council had devised.||

After Washington's success in the Jerseys, the obduracy and malevolence of the royalists to a great de-

* Thacher, *Military Journal*, p. 77.

* See Allen, *Narrative of Colonial Ethan Allen's Captivity*, pp. 79-81; Brown, *Ethan Allen*, pp. 139-140.

† Brown, *Ethan Allen*, pp. 140-141.

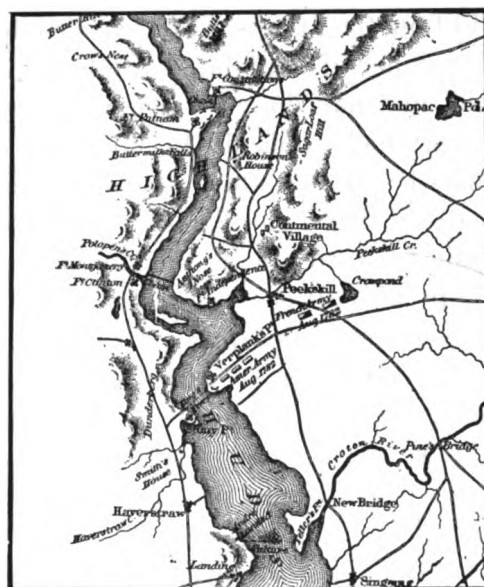
‡ *Ibid*, p. 142.

|| *Ibid*, pp. 143-144.

gree subsided. Such prisoners as survived were ordered to be exchanged, but while on their way to the vessel, numbers of them fell dead in the streets from exhaustion.* In April Washington wrote to General Howe protesting against this condition of affairs. He said: "Painful as it is, I am compelled to consider it as a fact not to be questioned, that the usage of our prisoners, whilst in your possession, of the privates at least, was such as could not be justified. This was proclaimed by the concurrent testimony of all who came out; their appearance sanctioned the assertion; and melancholy experience, in the speedy death of a large part of them, stamped it with infallible certainty."† On the other hand, Washington was careful to maintain his army in as good health as was possible under the circumstances. The small pox had attacked the army and made fearful ravages in the ranks. Early in 1777, therefore, Washington determined to have the army inoculated, which operation was carried on as secretly and carefully as possible. In addition to the troops particularly under Washington's supervision, all those who passed through Philadelphia on their way to join him were inoculated,

and the same precaution was taken in other military stations.*

Hoping that he might divert the attention of the British from the Jerseys, Washington planned an attack on the Highlands of New York. He ordered General Heath, in command of the post, to move down toward the city with a considerable force. Early in January, 1777, Heath undertook this movement and summoned Fort



OPERATIONS ON THE HUDSON RIVER.

Independence to surrender. The British, however, stood their ground, and after a few operations in the vicinity, Heath retreated, having done nothing save expose himself to the ridicule of the British for failing to follow up his words with suitable

* *Ibid.*, p. 149.

† Sparks, *Life of Washington*, p. 226, the whole letter being given on pp. 224-226. See also his other letter regarding the treatment of prisoners, in Irving, *Life of Washington*, vol. iii., p. 18 et seq.

* Lossing, *Field-Book of the Revolution*, vol. i., pp. 307-308; Trevelyan, *American Revolution*, vol. iv., pp. 55-57.

deeds.* Washington's forces were now reduced to the lowest point, and it was a matter of much concern with him as to how he could meet Howe in the next campaign. The system of enlisting troops for short terms was beginning to produce disastrous results, and Congress had met with failure in their attempt to raise the army according to their late resolves. There was considerable jealousy among the officers as to rank, and in addition the troops were exposed to all manner of hardships,—to hunger, cold, and nakedness, which rendered it extremely difficult to fill up the ranks.† Washington, however, repeatedly urged the various States to send forward their enlistment of troops with all possible speed, so that he could make his plans for the following campaign in accordance with the strength of his army.

Howe, on the other hand, was quite active in the spring of this year. He inaugurated a movement to capture the American stores at Peekskill. Because of the smallness of the American force stationed at that point and the suddenness with which Howe attacked, the movement was to a great

degree successful.* In April of the same year, a similar expedition was despatched to the borders of Connecticut. Governor Tryon, with 2,000 men, marched to Danbury for the purpose of destroying the stores collected there for the use of the American army. The Connecticut militia bravely resisted, but were unable to save the stores, among which were about 1,000 tents, at that time especially valuable to the American army. Among those lost during these operations was General David Wooster who, though an old man, had engaged in the conflict with great spirit, but who fell mortally wounded. Benedict Arnold, then in the vicinity,† took post at Ridgefield in the hope of defeating the British, but after a sharp conflict he was compelled to

* Jones, *New York in the Revolution*, vol. ii., p. 177; Stedman, *American War*, vol. i., p. 278; Gordon, *American Revolution*, vol. ii., p. 423 (ed. 1788). See also Sparks' edition of Washington's *Writings*, vol. iv., p. 369; Lossing, *Field-Book of the Revolution*, vol. i., pp. 740-742.

† Shortly after his return from Canada, Arnold had been sent to the New England States to co-operate with General Heath in rallying the militia to repel the British forces in Rhode Island, and while in this service, Congress, February 19, 1777, elected five major-generals. Four of these were Arnold's juniors in rank and one was raised from the militia, and as none had done anything to justify promotions over Arnold, the action naturally astonished and provoked him. Washington was equally astonished, and his indignation aroused, as is evinced by his various letters to Congress regarding the action. While on his way from Providence to Philadelphia to ask an investigation of his conduct by Congress, Arnold stopped at New Haven and there heard of the British invasion of Connecticut. He immediately joined Wooster and set out in pursuit of the British.—Arnold, *Life of Arnold*, pp. 126-130; Irving, *Life of Washington*, vol. iii., pp. 50-51.

* See Irving, *Life of Washington*, vol. ii., pp. 554-555; Carrington, *Battles of the Revolution*, p. 292; Heath's *Memoirs*, pp. 99-105 (Abbatt's ed.); Ford's ed. of Washington's *Writings*, vol. v., pp. 178, 191, 206, 214, 217; Gordon, *American Revolution*, pp. 419-420; Heath's letters to Washington, in Sparks, *Correspondence of the Revolution*, vol. i., pp. 328-329, 333-334, 336-340.

† Fiske, *American Revolution*, vol. i., p. 242 et seq.

give way, and he himself was wounded. After destroying everything upon which they could lay their hands, the British retreated to New York.*

In order to offset these expeditions, the Americans conceived a plan to retaliate upon the British at Sag Harbor, Long Island. There the British were supposed to have collected large stores of forage, grain, and other necessities for the troops, and to guard these stores had left only a small detachment of infantry and a sloop of 12 guns. They believed themselves sufficiently protected against surprise because of the armed vessels in the Sound, and consequently had not thought of an attack by the Americans. But being in no way intimidated by these obstacles, the latter determined to strike a blow at Sag Harbor. Colonel Return Jonathan Meigs crossed the Sound, and before daybreak fired on the place where the magazines were situated. Notwithstanding that the garrison and the crews of the vessels strongly resisted, he succeeded in burning a dozen sloops and brigs which lay at the wharf, and entirely

destroyed everything on shore,* without losing a single man. He then returned to Guilford, Connecticut, bringing with him a large number of prisoners. In this enterprise, the Americans refrained from seizing private property and allowed the prisoners to retain whatever belonged to them. For his services in this expedition, Meigs was presented with a sword by Congress, and he and the men under him were publicly thanked.† Another bold step was taken shortly after this, when on July 10 General Richard Prescott, who commanded the British troops in Rhode Island, was captured. He had become almost as careless as General Lee. Finding himself on an island surrounded by ships, and with a force vastly superior to any the Americans could assemble in that quarter, he became extremely negligent of his guard. Upon learning this, the Americans determined to offset the capture of Lee by surprising Prescott in his quarters and bringing him off as a prisoner. Lieutenant-Colonel William Barton, at the head of 40 country militia, after a long journey succeeded in landing on the western coast of Rhode Island, between Newport and Bristol Ferry. After landing, they went to Prescott's

* Fiske, *American Revolution*, vol. i., p. 259; Gordon, *American Revolution*, vol. ii., p. 463 (ed. 1788); Arnold, *Life of Arnold*, pp. 130-133; Hildreth, vol. iii., p. 188; Bancroft, vol. v., p. 151; Stedman, *American War*, vol. i., p. 279; Jones, *New York in the Revolution*, vol. i., p. 178; Heath's *Memoirs*, p. 109 (Abbatt's ed.); Lossing, *Field-Book of the Revolution*, vol. i., pp. 401-410; Trevelyan, *American Revolution*, vol. iv., p. 116 et seq.

* Carrington, *Battles of the Revolution*, p. 297; Jones, *New York in the Revolution*, vol. i., pp. 180-184; Gordon, *American Revolution*, vol. ii., p. 468 (ed. 1788); Stedman, *American War*, p. 282; Lamb, *City of New York*, vol. ii., pp. 160-161.

† Bancroft, vol. v., p. 152.

lodging, seized the sentinels who guarded the door, and making their way to the room of the general, arrested him without even allowing him time to put on his clothes. He was then carried to the American encampment. For this service, Barton was

publicly thanked by Congress and presented with a sword. Upon hearing of Prescott's capture, Howe, who had hitherto refused to exchange General Lee, now viewed the matter in a different light, and the exchange of the two officers was soon effected.*

CHAPTER XVI.

1777.

BURGOYNE'S INVASION.

Burgoyne appointed to command the British forces in Canada — Other officers sent with him — Employment of Indians determined upon — Burgoyne's speech to the Indians — His proclamation — Situation of Ticonderoga — St. Clair unable to check British progress — Ticonderoga abandoned — St. Clair pursued by the British — Battle near Hubbardton — Schuyler's measures to hinder Burgoyne's progress — Inquiry into Schuyler's conduct — Washington sends reinforcements — Fort George evacuated — Burgoyne halts at Fort Edward — Alarm in New England States — Battle of Bennington — St. Leger sent to the Mohawk Valley — Battle of Oriskany — The Death of General Herkimer — Siege of Fort Stanwix — Arnold goes to Relief — His stratagem — British retreat from Fort Stanwix — Dispute between Schuyler and Gates — Gates supersedes Schuyler — Correspondence between Gates and Burgoyne — The Jane M'Crea incident — Gates occupies Behm's Heights — First Battle of Saratoga — Sugar Loaf Hill — Ticonderoga recaptured by Americans — Clinton attempts to relieve Burgoyne — Attack on Forts Clinton and Montgomery — Correspondence with Gates and General Vaughan regarding British outrages — Second Battle of Saratoga — Burgoyne defeated — British Army surrenders — Terms of the surrender — Gates honored by Congress — Kindness of General Schuyler — Treatment of British prisoners. Appendix to Chapter XVI.— Burgoyne's Proclamation.

While Washington was conducting operations against the British in New Jersey and Pennsylvania, an important campaign was in progress in the North. It will be remembered that the American army had been driven out of Canada by the British under Carleton, who planned to open a passage by way of the Hudson to New York and thus sever the Eastern States from the rest of the confederacy. After having driven the Americans out of Canada, Carleton attempted to advance southwardly, but met with obstinate resistance on the part of the Americans under

Arnold; and as the season was too far advanced for further operations, Carleton had abandoned the pursuit and gone into camp. At the beginning of 1777 General John Burgoyne had been placed in command of the British forces in Canada, in spite of the fact that Carleton had conducted the campaign with much abil-

* J. L. Diman, *The Capture of General Richard Prescott*, in *Rider's Historical Tracts*, no. i.; E. Field, *The Militia in War Time, in Rhode Island at the End of the Century*, vol. i., chap. xxiii.; Richman, *Rhode Island*, pp. 223-226; Lossing, *Field-Book of the Revolution*, vol. i., pp. 642-645; Hildreth, vol. iii., pp. 188-189; Bancroft, vol. v., p. 165; Heath's *Memoirs*, pp. 112-113 (Abbatt's ed.).

ity and was entitled to remain in command of the British forces.* But Burgoyne, having been in England during the winter, gained the ear of the ministry and consequently secured the chief post of honor. When in England, he had laid all his plans for a vigorous campaign, giving the ministry an estimate of the forces necessary successfully to carry out his schemes.† Among the generals accompanying him were Simon Fraser, William Phillips, James Hamilton, Johann Friedrich Specht, Friedrich Adolph von Riedesel, and John Powell. In addition, he had a fine train of artillery with well-trained artillerymen, and an army of more than 7,000 veteran troops, well equipped, highly disciplined and in excellent spirits.‡ He had, besides, a large number of Canadians and savages, and as he approached Albany, hundreds of Loyalists joined his forces.||

That the British government deliberately decided to employ Indians against the American troops is proved by the letters of Lord Dartmouth to Colonel Johnson, dated July 5 and 24, 1775.§ In one of these letters Dartmouth says: "It is his Majesty's pleasure that you do lose

no time in taking such steps as may induce the Six Nations to take up the hatchet against his majesty's rebellious subjects in America, and engage them in his Majesty's service upon such plan as shall be suggested to you by General Gage, to whom this letter is sent, accompanied with a large assortment of goods for presents to them upon this important occasion." * The British generals placed a large amount of dependence upon the Indian allies, whom General Carleton was directed to use all his influence to bring into the field. In this project he was quite successful.

Before starting to the southward, Burgoyne detached Lieutenant-colonel Barry St. Leger, with a body of 800 light troops and Indians, to the Mohawk Valley, ordering him to go by the way of Lake Oswego and the Mohawk River, so as to make a diversion in that quarter, after which he was to join Burgoyne on the Hudson. Early in June, 1777, Burgoyne, with an army consisting of about 4,000 British regulars, 3,000 German troops and 650 Canadians and Indians,† left St. John's, and, preceded

* Lossing, *Field-Book of the Revolution*, vol. i., pp. 37-38.

† Trevelyan, *American Revolution*, vol. iv., p. 70 *et seq.*

‡ See the tables in Carrington, *Battles of the Revolution*, pp. 304-305, 307.

|| Flick, *Loyalism in New York*, p. 102 *et seq.*

§ See also Chatham's speech regarding this in Harrison, *Chatham*, pp. 231-233.

* See Judge Campbell's interesting paper, read before the New York Historical Society, October 7, 1845, in relation to "the direct agency of the British Government in the employment of the Indians in the Revolutionary War." Appendix to *The Border Warfare of New York*, pp. 321-338. See also S. A. Drake, *Burgoyne's Invasion of 1777*, pp. 31-32; Trevelyan, *American Revolution*, vol. iv., p. 81 *et seq.*

† Fiske says there were 4,135 regulars, 3,116 German troops, 148 Canadian militia, and 503 Indians — total 7,902.—*American Revolution*, vol. i., p. 268. Carrington, p. 307, makes the total 7,863,

by his naval armament, sailed up Lake Champlain, in a few days landing and camping near Crown Point. While at this place, Burgoyne gave the Indians a war-feast and spoke long and earnestly to them. Among others things, he said: "Go forth in the might of your valor; strike at the common enemies of Great Britain and America, disturbers of public order, peace, and happiness, destroyers of commerce, parricides of the state." * He praised the Indians for their constancy and perseverance, and patient endurance of privation, and artfully flattered them by saying that in these respects the British army could well imitate them. He also entreated them to adopt a more civilized mode of warfare, such as was used by the whites. He then added:

"I positively forbid bloodshed when you are not opposed in arms. Aged men, women, children and prisoners must be held sacred from the knife and hatchet even in the time of actual conflict. You shall receive compensation for the prisoners you take, but you shall be called to account for scalps. In conformity and indulgence of your customs, which have affixed an idea of honor to such badges of victory, you shall be allowed to take the scalps of the dead when killed by your fire and in fair opposition; but on no account, or pretense, or

Lowell in his *Hessians in the Revolution*, pp. 137-138, says 3,891 German troops accompanied Burgoyne, in addition to the Hanau Chasseurs attached to St. Leger's expedition. Roberts (*New York*, vol. ii., p. 418 following Irving, *Life of Washington*, vol. iii., p. 98) divides the forces as follows: 3,724 British rank and file; 3,016 German auxiliaries; 400 Indians; 473 artillerymen; 250 Canadians; total 7,863. The exact numbers in themselves are immaterial, save that the various figures show the difficulty in procuring accurate data.

* Lossing, *Field-Book of the Revolution*, vol. i., pp. 159-160.

subtlety, or prevarication, are they to be taken from the wounded, or even the dying; and still less pardonable, if possible, will it be held to kill men in that condition on purpose, and upon a supposition that this protection to the wounded would thereby be evaded." *

The Indians accordingly promised to accede to his wishes, but no reliance could be placed on their promises, and the English name, by letting loose upon the Americans the savage fury of their Indian confederates, received a stain which was not erased for many years.†

On July 2, upon his arrival at Ticonderoga, Burgoyne issued a proclamation addressed to the people of the country in which he held out promises of protection to those who would submit to the British authority and threatening condign punishment to those who refused.‡ This proclamation, however, was ill-judged, for Burgoyne could neither frighten nor cajole the Americans into submitting to the royal authority. At this time a large number of the northern troops had been sent southward to join Washington, and Ticonderoga contained a garrison of only about 2,000 men under the command of General Arthur St. Clair, though the works

* Lossing, *Field-Book of the Revolution*, vol. i., p. 99, note. See also Trevelyan, *American Revolution*, vol. iv., pp. 85-86; Tuckerman, *Life of Schuyler*, pp. 179-180.

† Bancroft, vol. v., pp. 158-159.

‡ See Niles, *Principles and Acts of the Revolution*, pp. 262-264. On Hopkinson's burlesque of Burgoyne's proclamation, see Tyler, *Literary History of the American Revolution*, vol. ii., pp. 143-146; W. L. Stone, *Ballads and Poems relating to the Burgoyne Campaign*, App. iii. See also Appendix at the end of the present chapter.

were extensive enough to require 10,000 men to defend them against a strong invading force.* Opposite Ticonderoga on the east side of the channel, there about 400 yards wide, rises a high circular hill called Mount Independence. When they abandoned Crown Point, the Americans had fortified this hill, and at its summit had erected a fort well provided with artillery. Intrenchments had been raised at the foot of the mountain and a number of heavy guns placed in them, while about half way up the hill a battery had been established to cover the lower works. To maintain communication between the two posts, the Americans had erected a wooden bridge supported by twenty-two wooden pillars. The spaces between these pillars were filled by separate floats, fastened to each other and to the pillars by chains and rivets. The bridge itself was twelve feet wide, and the side next Lake Champlain was defended by a boom, formed of large pieces of timber bound together by strong iron chains. Thus an easy communication was established between Ticonderoga and Mount Independence, and the passage of vessels up the strait absolutely prevented.† Above Ticonderoga the channel becomes wider, and on the southeast side receives a body of water from a stream, at that point

called South River, but higher up, named Wood Creek. The waters from Lake George flow in from the southwest and in the angle formed by the confluence of these two streams rises Sugar Loaf Hill, which overlooks both Ticonderoga and Mount Independence. This hill had been examined by the Americans with the view to fortifying it, but the forces under St. Clair were insufficient to occupy the extensive works of Ticonderoga, Mount Independence and Sugar Loaf Hill. In addition, St. Clair thought that the hill itself was so steep that the British would not attempt the difficult ascent, and he therefore neglected to take any measures for preventing the occupancy of the hill by the British, should they so desire.

Up to this time St. Clair had received no definite information as to the strength of the force advancing under Burgoyne.* Being ignorant of their numbers, he supposed that it would not be difficult to repulse any assault that might be made upon the fort. The British encamped about four miles from the forts, while the fleet anchored just beyond the reach of the guns. At Mount Hope, to the south of Ticonderoga, the Americans made but a slight resistance to the British, and after having taken possession of this post, Burgoyne extended his lines so as to completely in-

* Trevelyan, *American Revolution* vol. iv., p. 99; Tuckerman, *Life of Schuyler*, pp. 187-188.

† Thacher, *Military Journal*, p. 81; Tuckerman, *Life of Schuyler*, p. 174.

* Tuckerman, *Life of Schuyler*, p. 181.

vest the fort on the west side.* The eastern bank of the channel was occupied by the German division under Riedesel, and a detachment was sent forward to the vicinity of the rivulet which flows from Mount Independence. Having received information that Sugar Loaf Hill completely dominated the other fortresses, Burgoyne resolved to occupy it at once, and after five days of the most strenuous labor, succeeded in placing his artillery on the top of the hill, the name of which was changed to Mount Defiance.† St. Clair was thus nearly surrounded, the only space remaining open being that between the stream which flows from Mount Independence and the South River. It was necessary, therefore, that St. Clair decide upon an immediate course of action, for he must either defend the fort to the last extremity or abandon it at once to save as much as possible of his army and munitions of war. He called a council of war, at which it was unanimously decided that the fort should be evacuated; and preparations were immediately begun to carry this decision into effect.‡ As communication with

Lake George was now cut off by the British, escape in that direction was impossible, and a retreat could be effected only by the South River. The invalids and all stores easily movable were placed aboard 200 boats, and on the night of July 5-6, escorted by Colonel Long's regiment, these proceeded up South River toward Skeenesborough, while the garrison marched by land through Castleton in the same direction.* Orders had been issued that the troops should proceed in absolute silence and particularly that nothing should be set on fire that might reveal the movement to the British. But before the rear-guard was in motion the house on Mount Independence, which had been occupied by General Fermoy, was set on fire, thus giving notice to the British of the evacuation. The latter thereupon entered the works and fired upon the rear of the American army.†

The retreat to Hubbardton was conducted in some confusion, and from this place the main army under St. Clair pushed forward to Castleton. The English under General Fraser immediately pursued by land upon the

* Carrington, *Battles of the Revolution*, p. 308; Lossing, *Field-Book of the Revolution*, vol. i., p. 34.

† Thacher, *Military Journal*, p. 83; Fiske, *American Revolution* vol. i., p. 269; Lossing, *Field-Book of the Revolution*, vol. i., 134; Trevelyan, *American Revolution*, vol. iv., pp. 101-102; Tuckerman, *Life of Schuyler*, pp. 188-193; Robinson, *Vermont*, pp. 155-156.

‡ Carrington, *Battles of the Revolution*, p. 313; Fisher, *Struggle for American Independence*, vol. ii., p. 61.

* Lossing, *Field-Book of the Revolution*, vol. i., pp. 134-135.

† Carrington, *Battles of the Revolution*, p. 314; Fisher, *Struggle for American Independence*, vol. ii., p. 63; Drake, *Burgoyne's Invasion of 1777*, pp. 42-44; Schuyler's letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. i., pp. 393-395 and St. Clair's letter to Schuyler, *ibid*, vol. ii., p. 513. On the attacks on St. Clair and Schuyler provoked by the abandonment of Ticonderoga, see Tuckerman, *Life of Schuyler*, p. 184 *et seq.*

right bank of Wood Creek, the advance column of the British being supported by General Riedesel with his Brunswickers. Burgoyne pursued the Americans by water, but in order to do this, it was first necessary to destroy the boom and bridge which the Americans had constructed at Ticonderoga. These works, which had cost so much labor and expense on the part of the Americans, were easily and quickly demolished by the British engineers, and a clear passage was effected.* Burgoyne's ships now entered Wood Creek and rapidly proceeded in pursuit of the enemy.† By the afternoon the British ships came up with the American galleys near Skeenesborough Falls and attacked them. Meanwhile three regiments, which had been landed at South Bay, ascended the mountain in order to turn the enemy above Wood Creek or destroy the works at Skeenesborough Falls, and thus cut off the retreat to Fort Anne. The Americans fled too swiftly, however, to be caught in this trap. The American galleys were soon overpowered by the British gun-boats and two of them surrendered, while three were blown up. The other boats, together with mills and other works, were set on fire, and the Americans then fell back upon Fort Anne higher up Wood Creek.‡ They

lost all their baggage, however, together with a large quantity of provisions and military stores.*

Early on the morning of July 7, the British land forces overtook the American rear-guard, who, directly contrary to St. Clair's orders, had lagged behind and had posted themselves in a strong position near Hubbardton. Though the troops under Fraser numbered only about one-half their opponents, they were strengthened by the knowledge that Riedesel, with large reinforcements, was close behind. Fearing that the Americans would effect their escape, Fraser ordered an immediate attack. The troops under Seth Warner for a time made a vigorous resistance, but a large body of his militia fled from the field and Warner was left alone to bear the entire attack. Fraser, having now been reinforced by the troops under Riedesel, ordered an immediate bayonet charge, which was so vigorous that the Americans broke under the attack and fled, sustaining a severe loss. St. Clair, upon hearing the firing in the rear, endeavored to send back some assistance, but the discouraged militia refused to return and St. Clair continued the retreat to Fort Edward, where he could effect a junction with Schuyler.‡ Burgoyne immediately

* Trevelyan, *American Revolution*, vol. iv., p. 104.

† Lossing, *Field-Book of the Revolution*, vol. i., p. 135.

‡ Trevelyan, *American Revolution*, vol. iv., pp. 104-105.

* Thacher, *Military Journal*, pp. 83-84; Carrington, *Battles of the Revolution*, p. 314.

† Lowell, *Hessians in the Revolution*, pp. 140-141; Bancroft, vol. v., pp. 162-163; Fiske, *American Revolution*, vol. i., p. 270; Carrington, *Battles of the Revolution*, pp. 315-317; Fisher, *Struggle for American Independence*, vol. ii., pp. 63-64;

sent a regiment to attack Fort Anne, which was then defended by a small party under Colonel Long. Here, however, the British met an entirely different reception. Long determined to ambush the British and placed his troops in a narrow ravine through which the British were compelled to pass. When they reached the place, the Americans poured such a destructive fire upon the British from the front, flank and rear that it was only with the greatest difficulty that they escaped to a neighboring hill. There they were again attacked by the Americans and would undoubtedly have been decisively defeated, had not the ammunition of the Americans at this moment given out. Unable to continue the fight, Long's troops fell back, and setting the fort on fire, retreated to Fort Edward.*

Consternation now reigned in the vicinity because of Burgoyne's successes.† There was also great exultation in England when the news of these victories arrived in that country; the glad tidings caused the greatest joy at court and were enthusiastically welcomed by all those who de-

sired the unconditional reduction of America.* These enthusiasts readily foresaw the quick termination of the whole war; they thought it impossible that the Americans should be able to recover from the shock of these recent losses; the old charges of cowardice against the Americans were renewed, and even their own partisans abated much of the esteem they had previously borne for them, being more than half disposed to pronounce the colonists unworthy to defend that liberty in which they had gloried with so much complacency.†

Had Burgoyne continued his campaign in the same dashing style in which it had been thus far prosecuted, undoubtedly success would have met his every effort; but there were still sixteen miles of forest to be traversed, and he made the mistake of delaying until his baggage and stores could come up. General Schuyler, then in command of the American forces, was thus afforded an opportunity to place impediments along the line of march. Schuyler opened up trenches, obstructed the roads and paths, destroyed the bridges, and, in the narrow defiles through which the British must pass, cut down trees in such a manner that they fell across the roadway and formed an almost insurmountable barrier. By such methods Schuyler rendered the pathways through the

Drake, *Burgoyne's Invasion*, pp. 45-55; Lossing, *Field-Book of the Revolution*, vol. i., pp. 145-146; Robinson, *Vermont*, pp. 157-159.

* Burgoyne, *State of the Expedition*, p. 81; William H. Smith, *The St. Clair Papers*, vol. i., p. 76 *et seq.*; Fisher, *Struggle for American Independence*, vol. ii., p. 64; St. Clair's letter to Washington, giving his reasons for abandoning Fort Independence, in Sparks, *Correspondence of the Revolution*, vol. i., pp. 400-405; Lossing, *Field-Book of the Revolution*, vol. i., pp. 141-142.

† Botta, *History of the War of Independence*, vol. ii., p. 280.

* Fiske, *American Revolution*, vol. i., p. 271.

† Trevelyan, *American Revolution*, vol. iv., p. 108 *et seq.*

forest almost impenetrable.* He did not rest satisfied with these precautions, but removed the cattle to places of safety, and the stores and baggage from Fort George to Fort Edward, so that if the former place were captured, such necessities would not fall into the hands of the British. He urgently requested that such regular troops as were to be found in the adjacent States should immediately be dispatched to join him, and he also earnestly appealed to the New England States and New York to send such militia as they could enlist.† In the vicinity of Fort Edward and Albany, he also endeavored to secure recruits to his army, in which task he attained considerable success because of his influence with the people in that region.‡ He determined to harass the enemy as much as possible, and dispatched Colonel Warner with his regiment into Vermont with instructions to assemble the militia and make incursions toward Ticonderoga. In fact, Schuyler did everything possible under the circumstances, and while he did not reap the reward of his labors, still it is not too much to say that the measures he adopted paved the way to the victory at Saratoga, for which Gates received

the honor. Nevertheless, Schuyler was extremely despondent at the condition of affairs and his inability successfully to check the advance of the British, and his letters are filled with downheartedness and forebodings of impending disasters.*

Both Congress and Washington were greatly astonished at the disasters which befell the Americans in the North, for they supposed that Schuyler's force was much larger than it actually was, and the British much weaker.† But Washington waited until he should receive more correct information before pronouncing upon the conduct of General St. Clair. When that officer joined Schuyler, the whole force of the Americans did not exceed 4,400, about one-half of whom were militia, while all were poorly clothed, wretchedly equipped, and greatly dispirited by the recent reverses. Moreover, the militia were anxious to return home to reap their harvests; and, in order to prevent the desertion of the whole army, one-half of the militia was allowed to depart immediately, provided the other half remained three weeks—a condition the militia readily accepted.‡ When Congress received confirmation of the disasters in the North, it was proposed

* See Burgoyne's letter to Germaine in De Fonblanque, *Life of Burgoyne*, p. 268; Carrington, *Battles of the Revolution*, p. 318; Drake, *Burgoyne's Invasion*, pp. 64-66.

Trevelyan, *American Revolution*, vol. iv., pp. 112-113.

‡ Lossing, *Field-Book of the Revolution*, vol. i., pp. 41-42.

* Quotations from his letters are given in Bancroft, vol. v., pp. 164-167. See also his various letters in Sparks, *Correspondence of the Revolution*, vol. i., pp. 397-399.

† See his letter quoted in Lodge, *George Washington*, vol. i., p. 202. See also Irving, *Life of Washington*, vol. iii., p. 109 *et seq.*

‡ On the situation see Tuckerman, *Life of Schuyler*, p. 198 *et seq.*

to remove the generals responsible. An inquiry was instituted in reference to the conduct of Schuyler and his officers, but this resulted honorably for him and he was continued in charge of the forces in the northern department.* Washington then exerted all his energies to send reinforcements and supplies to Schuyler's army. From Massachusetts he sent artillery and ammunition; General Lincoln was sent to the New England States to enlist the militia; while Arnold was also dispatched to the North, as it was thought that his ardor and brilliant leadership might inspire the dejected troops.† In order to counterpoise the Indians who accompanied Burgoyne and of whom the American troops were in great dread,

* Washington, writing to General Schuyler, said: "Though our affairs have for some days past worn a gloomy aspect, yet I look forward to a happy change. I trust General Burgoyne's army will meet sooner or later an effectual check; and, as I suggested before, that the success he has had will precipitate his ruin. From your accounts, he appears to be pursuing that line of conduct, which of all others, is most favorable to us. I mean acting in detachment. This conduct will certainly give room for enterprise on our part, and expose his parties to great hazard. Could we be so happy as to cut one of them off, though it should not exceed four, five, or six hundred men, it would inspire the people, and do away with much of their present anxiety. In such an event, they would lose sight of past misfortunes, and urged on at the same time by a regard for their own security, they would fly to arms, and offer every aid in their power." See Irving, *Life of Washington*, vol. iii., pp. 130-131; Carrington, *Battles of the Revolution*, p. 319; also Trevelyan, *American Revolution*, vol. iv., pp. 90-96.

† See Arnold, *Life of Arnold*, pp. 146-148; Spark's ed. of Washington's *Writings*, vol. iv., p. 487 *et seq.*

Washington also sent Colonel Morgan with 500 riflemen. "They are all chosen men," said he, "selected from the army at large, and well acquainted with the use of rifles and that mode of fighting. I expect the most eminent services from them, and shall be mistaken if their presence does not go far towards producing a general desertion among the savages.* These measures produced a good effect upon the army in the North and gradually their former spirit was recovered.†

Meanwhile Burgoyne was making every effort to open a passage from Fort Anne to Fort Edward, but though the whole army worked diligently at the task, their progress was exceedingly slow. Beside being forced to remove the fallen trees with which the Americans had obstructed the road, the British were compelled to construct no less than forty bridges and make repairs on a number of others.‡ Consequently, the British were so impeded that they did not reach the Hudson near Fort Edward until July 30. Because they considered themselves either too feeble successfully to oppose the enemy, or that Fort Edward was in no condition to be easily defended, or that Colonel St. Leger, after the reduction of Fort Stanwix, might descend the Mohawk

* Irving, *Life of Washington*, vol. iii., pp. 150-151.

† Trevelyan, *American Revolution*, vol. iv., p. 146 *et seq.*

‡ Lossing, *Field-Book of the Revolution*, vol. i., p. 47, note; De Fonblanque, *Life of Burgoyne*, p. 268; Trevelyan, *American Revolution*, vol. iv., pp. 122-123.

FEMALE PATRIOTISM.



**1. MRS. SCHUYLER FIRING HER CORNFIELDS ON THE APPROACH OF THE BRITISH.
2. MRS. STEELE PRESENTING ALL HER SAVINGS TO GENERAL GREENE.**

to the Hudson and thus cut off their retreat, the Americans retired lower down the river to Stillwater where they threw up intrenchments.* After the boats of the Americans had been burned and the road to Fort Edward obstructed as much as possible, Fort George was also evacuated.†

Though Burgoyne might have reached Fort Edward more readily by the way of Lake George, yet he thought it best to pursue the retreating Americans by land, despite the obstacles to be overcome, for his troops might become disgruntled if retrograde movements were made. Upon reaching Fort Edward, he was again compelled to pause, for a great many of his transportation vehicles had broken down and needed repairs. In addition, not more than one-third of the draught horses contracted for in Canada had been received, and none could be procured from the surrounding country, for all had been removed by Schuyler. It was also necessary to bring boats from Fort George for the navigation of the Hudson, and all provisions, stores, artillery and other necessities for the army. Though Fort George was only about ten miles from Fort Edward, yet the roads were in such a condition that great difficulty

was experienced in this task; consequently, by August 15, not more than a dozen boats had been launched on the Hudson and only four days' rations for the army had arrived. This was a very serious situation, because the further Burgoyne moved from the lakes the greater the possibility of having his base of supplies cut off. Should this occur, it would be necessary to sustain his army by supplies from the surrounding country.*

Burgoyne knew that at Bennington, about twenty-four miles east of the Hudson, the Americans had collected large quantities of supplies, including cattle, provisions, military stores, and transportation vehicles. Believing that the Tories in that neighborhood would aid him in an effort to capture these stores, Burgoyne determined to send Colonel Frederick Baum, with a force of about 600 of Riedesel's dragoons, to make an attack upon Bennington.† Baum was instructed "to try the affections of the country, to disconcert the counsels of the enemy, to mount Riedesel's dragoons, to complete Peter's corps. [of Loyalists] and to obtain large supplies of cattle, horses, and carriages." On August 13 Baum set forth on the expedition which was to result so unfortunately to himself and which entirely upset Burgoyne's plans and purposes.‡

* Thacher, *Military Journal*, p. 91; Tuckerman, *Life of Schuyler*, p. 207.

† General Schuyler's unselfish patriotism was nobly shown in the direction which he gave to Mrs. Schuyler to set fire to his large and valuable fields of wheat, as well as to request his tenants and others to do the same, rather than suffer the enemy to reap them. See Lossing, *Field-Book of the Revolution*, vol. i., p. 41, note.

* Drake, *Burgoyne's Invasion*, pp. 69-70.

† Trevelyan, *American Revolution*, vol. iv., p. 129 and note.

‡ Thacher, *Military Journal*, pp. 91-92; Carrington, *Battles of the Revolution*, pp. 327-330; Burgoyne, *State of the Expedition*, pp. 99-100, 134-139.

While at first the colonists had been alarmed at Burgoyne's invasion and had been thrown into a state of consternation upon his almost unobstructed advance, still when the final crisis arrived, they came forward and made a last effort to repulse the enemy. John Langdon, a merchant of Portsmouth and speaker of the New Hampshire Assembly, roused his despondent fellow-members to the necessity of defending the frontier, and in his speech said: "I have three thousand dollars in hard money; I will pledge my plate for three thousand more. I have seventy hogsheads of Tobago rum which shall be sold for the most it will bring. These are at the service of the state. If we succeed in defending our homes, I may be remunerated; if we do not, the property will be of no value to me. Our old friend Stark, who so nobly sustained the honor of our state at Bunker Hill, may be safely entrusted with the conduct of the enterprise, and we will check the progress of Burgoyne."* Stark, however, had become disgruntled because Congress had appointed a number of junior officers over his head and had resigned his commission, but was now persuaded to defend his native State by taking service against the enemy under State authority,† it being also

agreed that he should act independently in his movements against the enemy. Because of his popularity in the vicinity, he was able to collect a large force of militia who were ready to take field with him unhesitatingly.* Having gathered his troops, Stark went to Manchester, about twenty miles north of Bennington, where Colonel Seth Warner had taken post with his regiment. Here Stark met General Lincoln who had been sent by Schuyler to lead the militia to the west bank of the Hudson. Stark absolutely refused to accede to such a proposal,† and on August 19 Congress censured him for his conduct as being "destructive of military subordination and highly prejudicial to the common cause."‡ As news in those days travelled very slowly, Stark did not know of this vote of censure,|| and before the news arrived he had won a victory which paralyzed the entire operations of Burgoyne. He also had the satisfaction of knowing that the commander-in-chief fully approved of his plan of harassing the rear of the British.

Stark arrived at Bennington on the same day that Baum started for that place, but the latter had been impeded by the condition of the roads and made slow progress. When Stark re-

* Lossing, *Field-Book of the Revolution*, vol. i., pp. 392-393; Trevelyan, *American Revolution*, vol. iv., pp. 130-131.

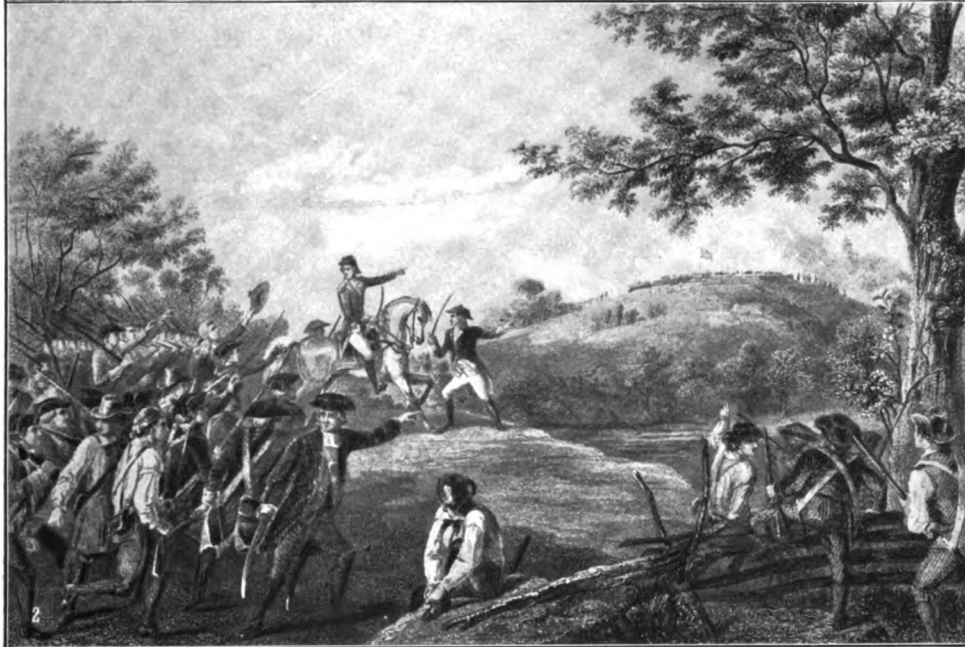
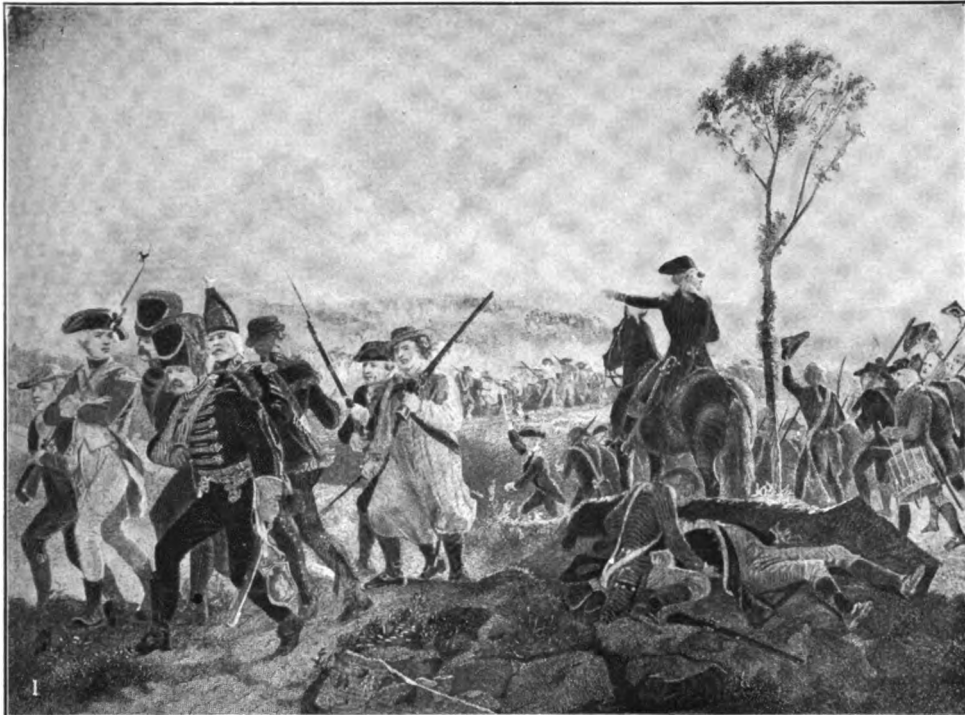
† *Vermont Historical Society Collections*, vol. i., pp. 204, 206; Smith, *St. Clair Papers*, vol. i., p. 84.

* Robinson, *Vermont*, p. 165 et seq.

† Drake, *Burgoyne's Invasion*, pp. 74-75; Robinson, *Vermont*, pp. 168-169.

‡ Tuckerman, *Life of Schuyler*, p. 213; Lossing, vol. i., p. 394.

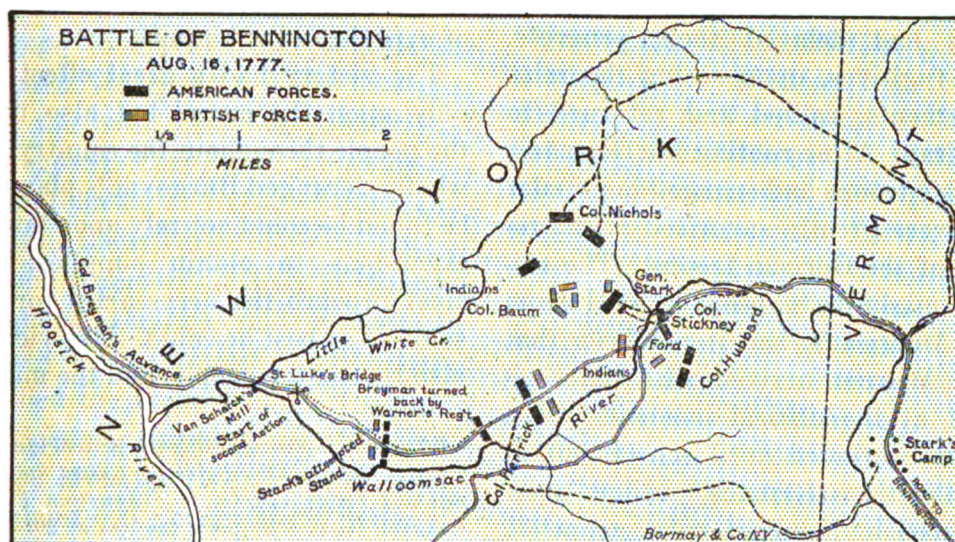
|| Trevelyan, *American Revolution*, vol. iv., p. 131.



1. THE BATTLE OF BENNINGTON.
2. GENERAL STARK AT THE BATTLE OF BENNINGTON.

ceived information of their approach, he sent messages to Warner requesting the latter to join him immediately. He sent forward Colonel Gregg to reconnoitre the enemy* and then himself advanced against Baum, who, having found the entire country rising around him, entrenched himself in a strong position above the Walloomsac River. Baum sent an express to Burgoyne, informing him of the situation, and the latter immediately despatched Lieutenant-colonel Heinrich Chris-

following day, the 16th, however, was bright and sunny, and early in the morning Stark dispatched two columns to attack the entrenchments at different points. When he heard the firing, he threw himself on horseback and advanced with the rest of the troops. As soon as the British columns were seen forming on the hill, he exclaimed, "See, men! there are the red-coats; we must beat them to-day or Molly Stark's a widow."† The entire army replied



toph Breyman with a large body of reinforcements.‡

No movements could be undertaken on August 15, as there was a continual downpour of rain, but the Germans and English pushed the work on their entrenchments so that they might mount a few pieces of artillery.‡ The

to Stark's appeal with a tremendous shout and the battle began. According to Stark, it "lasted two hours, and was the hottest I ever saw. It was like one continual clap of thunder." † At the very beginning of

* Robinson, *Vermont*, p. 171.

† *Vermont Historical Society Collection*, vol. i., p. 218.

‡ Drake, *Burgoyne's Invasion*, pp. 80-81.

* *Ibid*, p. 82. There are several versions of Stark's exclamation. Drake gives a different one than that quoted in the text; Lossing (p. 397) gives another.

† Trevelyan, *American Revolution*, vol. iv., p. 135.

the battle, the Indian allies of the British retreated; the Tories were then driven across the river, and finally the Germans, after being compelled to abandon the intrenchments, turned and fled, leaving the artillery and other equipment on the field.*

The retreating troops were met by Breymann and his corps, who, upon hearing the firing, hurried forward to the aid of their countrymen. Had they been an hour or two earlier, probably the fortune of the day would have rested with the British, but the heavy rains had delayed their progress. The fugitives, upon seeing the reinforcements, rallied and returned to the fray. After routing the Germans, Stark's troops had engaged in plunder and were greatly surprised at the return of the German troops. The victory might have been wrested from the Americans, had it not been that Seth Warner arrived with his regiment at the critical moment.† The battle continued until sunset, but at length the Germans, being overwhelmed by numbers, were compelled to abandon the field.‡ The British loss amounted to about 900 effective troops in killed, wounded and captured,

among the killed being Colonel Baum.* The American loss was 30 killed and 40 wounded.† Everett, in his *Life of Stark*‡ highly praises the conduct of Stark and his men in this action. It is probably the most conspicuous example of the manner in which militia conduct themselves when actually under fire, for as Stark expresses it, they had "fought through the midst of fire and smoke, mounted two breastworks that were well fortified and supported with cannon," and had done this in the face of an army of experienced veterans.||

The victory had a great effect not only upon the army, but also upon the people throughout the country. It wholly deranged Burgoyne's plans, as he found he could not rely upon lateral excursions to obtain supplies, but must procure the necessaries for his soldiers as best he could. The victory also roused the people, and the militia

* Lowell, *Hessians in the Revolution*, pp. 145-147; Drake, pp. 83-84; Lossing, *Field-Book of the Revolution*, vol. i., pp. 394-397; Robinson, *Vermont*, pp. 173-175.

† Tuckerman, *Life of Schuyler*, p. 215; Robinson, *Vermont*, pp. 175-176.

‡ *Vermont Historical Society Collections*, vol. i., pp. 207, 223, 225; Thacher, *Military Journal*, p. 93; Drake, *Burgoyne's Invasion*, pp. 84-85; Lowell, *Hessians in the Revolution*, p. 147; Trevelyan, *American Revolution*, vol. iv., pp. 136-139.

* The statements regarding the British loss vary greatly. Dawson (*Battles of the United States by Sea and Land*) and Gordon (*American Revolution*, vol. ii., p. 538) place the loss at 207 killed and 700 prisoners. Irving places the captured at 564 privates and 32 officers, Bancroft at 692 and Lossing at 934 British killed and wounded and 150 Tories. Lincoln's report as submitted to Schuyler places the loss at about 936, but he says the number of killed is uncertain. See Schuyler's letter in Sparks, *Correspondence of the Revolution*, vol. i., pp. 425-426.

† On the entire campaign, see Hildreth, vol. iii., pp. 196-205; Carrington, *Battles of the Revolution*, pp. 331-333; Fisher, *Struggle for American Independence*, vol. ii., pp. 80-83; the various documents in Eelking's *Life of Riedesel*, vol. iii., pp. 184-197, 210-214, 261; and histories of Vermont by Williams, Hall, Allen, Robinson, etc.

‡ *Life of John Stark*, p. 58.

|| Robinson, *Vermont*, p. 117.

flocked to the American standard.* Furthermore, the British rear was now exposed to any attack that might be made upon it, and Stark immediately stationed his troops so as to completely hem in Burgoyne, thus placing him in a position where he could neither advance nor retreat.

However, the defeat at Bennington was only one of the series of misfortunes which the British had met and were to meet. It will be remembered that Burgoyne sent St. Leger with a body of troops by way of Oswego to make a diversion in the Mohawk Valley, after which he was to join the main army at Albany. At Oswego St. Leger was joined by Sir John Johnson and Colonel John Butler and their Tory followers, and by Joseph Brant with a body of Mohawk, Iroquois, Cayuga and Seneca Indians.† On August 2 St. Leger reached the vicinity of Fort Stanwix (or Schuyler) situated near the source of the Mohawk river and garrisoned by about 600 Continentals, under the command of Colonel Peter Gansevoort. On the following day St. Leger began the investment of this fort, with an army of about 1,600 or 1,700 men, of whom about half were Indians and the rest British, Canadians, Tories and foreign troops. Upon being summoned to surrender, Gansevoort

asserted that he would defend the place to the last extremity.*

Meanwhile, General Nicholas Herkimer, who commanded the militia of Tryon County, having learned of the approach of St. Leger, assembled about 800 of the militia and marched to the relief of the garrison.† On August 6 Herkimer dispatched a messenger to Gansevoort, informing him he was only eight miles away and would endeavor to force a passage to the fort and join the garrison.‡ Gansevoort therefore determined to make a vigorous sally from the fort, and appointed Colonel Marinus Willett with 200 men at that service.|| St. Leger had also been informed as to Herkimer's movements and made plans to ambush the American forces. He placed a large body of troops, consisting of "Johnson Greens" and Brant's Indians, in an ambush near Oriskany. Herkimer was opposed to proceeding any further until reinforcements were received from the fort, but his officers accused him of being a coward and a Tory,§ and the old general was stung so deeply by these imputations that he gave the order to march forward, consequently the army fell into the snare prepared for it.¶

* Lossing, *Field-Book of the Revolution*, vol. i., pp. 240-243.

† *The Public Papers of George Clinton*, vol. ii., p. 164 (pub. by New York State, 1900-2); Lossing, p. 243.

‡ Carrington, *Battles of the Revolution*, p. 323.

|| Fiske, *American Revolution*, vol. i., p. 287; Carrington, p. 324.

§ Arnold, *Life of Arnold*, p. 150.

¶ Lossing, *Field-Book of the Revolution*, vol. i., pp. 243-244; Tuckerman, *Life of Schuyler*, p. 216.

* Baroness Riedesel, *Letters and Journals of the American Revolution*, p. 98 (Stone's ed., 1867).

† Fiske, *American Revolution*, vol. i., pp. 285-286.

When the American troops had reached the place of ambush, they were subjected to a heavy discharge of musketry from the sides, which was immediately followed by an onslaught of the Indians with their tomahawks. Though some of the militia fled at the first attack, the largest portion behaved with great fortitude and spiritedly resisted the attack of the Indians and British. As a result, a scene of unutterable confusion and carnage ensued. Being accustomed to the Indian method of fighting, the militia closed with the royal troops and fought the battle hand to hand. Some of the militia made their escape, but about 100 retreated to some rising ground and there defended themselves until a relief party from the fort compelled the British and Indians to fall back. Early in the fight General Herkimer was wounded in the leg, but instead of being carried to the rear, he sat upon a log, and from there directed the movements of the troops as well as possible. He very soon succumbed, however, because of the loss of blood. The loss of the Americans in killed and wounded was about 400, but the British loss is unknown. Colonel Willett in his sally from the fort killed a large number of the enemy, destroyed their provisions, and carried off a large quantity of spoil.* St. Leger

* Trevelyan, *American Revolution*, vol. iv., pp. 141-142; Arnold, *Life of Arnold*, pp. 150-152; Roberts, *The Battle of Oriskany*; Bancroft, vol. v., pp. 167-169; Lossing, *Field-Book of the Revolution*, vol. i., pp. 244-248; Fiske, *American Revolution*, vol. i., pp. 288-292; Drake, *Burgoyne's In-*

now advanced toward the fort and again summoned it to surrender, but Gansevoort again refused to comply with his demand.*

Meanwhile, Colonel Willett, accompanied by Lieutenant Stockwell, had succeeded in passing through the British lines in an attempt to inform Schuyler of the position of the fort. Upon receiving this information, Schuyler determined to send aid to the Americans; and Arnold offered to take command of the relief column.† When within a short distance of the fort, Arnold put into practice an acute stratagem which struck consternation into the minds of the British and Indians. Among the Tory prisoners was Hon Yost Cuyler (or Schuyler). He had been condemned to death, but Arnold agreed to spare his life, if he would carry out Arnold's plan implicitly. Several holes such as made by bullets were cut in Cuyler's coat, and he was ordered to rush breathlessly into the British camp and inform the Indians that a large army of Americans was advancing to the relief of the fort.‡ For confirmation of

vasion, pp. 90-93. In this, as in other accounts of battles, the estimates of the losses vary greatly. St. Leger says that 400 Americans were killed and 200 captured, but Thacher says 160 were killed and a great number wounded, and the latter number is given by Gordon and other contemporary writers.

* Lossing, *Field Book of the Revolution*, vol. i., pp. 248-249.

† Arnold, *Life of Arnold*, p. 154; *Clinton Papers*, vol. ii., p. 255; Tuckerman, *Life of Schuyler*, pp. 218-219.

‡ See W. L. Stone, *The Campaign of Burgoyne and the Expedition of St. Leger*, p. 213. See also

his statement, Cuyler was to point to his coat and if they should inquire as to numbers, he was to point to the leaves on the trees, indicating that the American troops were almost numberless. This stratagem worked with great success, for in addition to the news carried to the Indians by Cuyler, other scouts had arrived in the British camp with news that Burgoyne's army had been routed and was in full flight. All this made a deep impression on the red-men.* Furthermore, the Indians were dissatisfied with the general conduct of the campaign, for they had no desire to besiege fortresses, preferring instead to take scalps and other plunder. When St. Leger's attempt to capture Fort Stanwix proved abortive, the Indians became discouraged, and again, when the British failed to defeat Herkimer, the Indians became suspicious of the prowess of the British army. They had received nothing but hard service and little reward, and when they learned that a strong American force was advancing against them, they determined to seek safety in flight rather than again to bear the brunt of the fight. St. Leger used every argument and artifice to detain them, but in vain; a great part of the Indians deserted, the rest threatening to follow if the siege were maintained. Be-

ing confident that he would meet with no success without his Indian allies, St. Leger on August 22 raised the siege and retreated toward the north. There were many indications of great alarm. So hurried was the retreat that the tents were left standing; the artillery, ammunition, baggage, and provisions were abandoned to fall into the hands of the garrison; and, in fact, everything indicated that the British army was in a state of consternation. Their Indian allies also turned against them and acted in a very savage manner, robbing the officers of their baggage and the army of provisions and stores; they also murdered and stripped of accoutrements all those who were unable to keep up with the main body. This treatment continued until the royal troops reached the Lake on their way to Montreal.* Arnold did not arrive at Fort Schuyler until two days after the retreat of the British; and finding that his services were not needed, he shortly returned to camp.

The news of the defeat of the British and the successful defence of Fort Stanwix, together with the defeat at Bennington, greatly raised the spirit of the Americans. The Loyalists began to fear for the success of the royal arms, and a great portion of the people were now convinced that, if their exertions were concentrated

Thacher, *Military Journal*, pp. 89-90; Lossing, *Field-Book of the Revolution*, vol. i., pp. 250-251.

* Fiske, *American Revolution* vol. i., pp. 294-296; Lossing, pp. 251-252.

* Arnold, *Life of Arnold*, pp. 149-162; Gordon, *American Revolution*, vol. ii., pp. 529-535; Jones, *New York in the Revolution*, vol. i., pp. 215-218, 700.

against Burgoyne, the British would soon be driven from the territory. Before this could take place, however, the Continental Congress had taken a step both unjust and ungracious. That body removed from command one of the bravest and most patriotic officers in the American army. Schuyler, at this time and for some time past, had been unpopular with the New England members of Congress chiefly because of his attitude in the dispute between New York and New England regarding "Hampshire Grants."* He had vigorously asserted the claims of New York to this territory, but Massachusetts and the other New England colonies had strenuously fought against this claim, and the struggle finally became bitter. Consequently, the New England members were strongly prejudiced against Schuyler and were glad of a pretext on which he might be removed from command. The rapid progress of Burgoyne and the inability of the Americans to cope with the situation furnished the pretext sought by the New England congressmen. General Gates had also expressed a desire to be placed in command of the army in the North and, as he was a favorite with the New Englanders, the intrigue for the removal of Schuyler was finally successful. Consequently, on August 5 Congress removed

Schuyler from command and elevated Gates to that post.* This was particularly aggravating to Schuyler, because he had instituted the measures by which the progress of Burgoyne was to be effectually stopped. He therefore felt the disgrace of his displacement very keenly, and in a letter to Washington says:

"It is a matter of extreme chagrin to me to be deprived of the command at a time, when soon, if ever, we shall be enabled to face the enemy; when we are on the point of taking ground where they must attack to a disadvantage, should our force be inadequate to facing them in the field; when an opportunity will, in all probability, occur, in which I might evince that I am not what Congress have too plainly insinuated in taking the command from me."

According to Marshall, Schuyler's "removal from command was probably severe and unjust as respected himself, but perhaps wise as respected America. The frontier towards the lakes was to be defended by the troops of New England; and however unfounded their prejudices against him might be, it was prudent to consult them."

Gates arrived at the scene of conflict on August 19 and found everything in good condition for carrying on the campaign. Fresh troops had come in and, as the harvesting had now been completed, the people throughout that section of the country were clamoring to join the army.

* For the history of which see Tuckerman, *Life of Schuyler*, p. 73 *et seq.*; Robinson, *Vermont*, p. 57 *et seq.*; Williams, *History of Vermont*, vol. ii.; Thompson, *Vermont*, pt. ii.

* On the proceedings before this took place, see Bancroft, vol. v., pp. 149-151, 173. See also Fiske, *American Revolution*, vol. i., pp. 253-258, 296-297; Tuckerman, *Life of Schuyler*, p. 223 *et seq.*; Irving, *Life of Washington*, vol. iii., pp. 35-44, 61-71, 140-147.

Schuyler did not allow his personal considerations to interfere with his patriotism; he received Gates with great courtesy and aided him in every way possible. He said, "I have done all that could be done, as far as the means were in my power, to inspire confidence in the soldiers of our own army, and I flatter myself with some success, but the palm of victory is denied me, and it is left to you, general, to reap the fruit of my labors. I will not fail, however, to second your views, and my devotion to my country will cause me with alacrity to obey all your orders." *

Shortly after his arrival, Gates entered into a brief and by no means pleasant correspondence with Burgoyne. On August 30 the latter complained that the Loyalists who had been captured at Bennington were harshly treated by the Americans, and hinted that unless it were stopped, he would retaliate on the American prisoners. On September 2 Gates replied to this and recriminated by reciting the horrible atrocities committed by the Indians who accompanied the armies of Burgoyne and St. Leger.† One of the cases specially mentioned was the murder of Jane M'Crea. On July 27 this young lady,

who is described by Gates as "lovely to the sight, of virtuous character, and amiable disposition," and who was engaged to an officer of the British army, was seized in her father's house near Fort Edward by some Indians belonging to Burgoyne's army, dragged to the woods with several other young people of both sexes, and after she had been barbarously scalped was wantonly murdered. Thus, instead of being conducted to the altar by the British officer, she received an inhuman death at the hands of some allies of the very army in which her affianced husband was fighting. There are several different versions of this occurrence; the general account is as given above. Other authorities say that her affianced husband, fearing that some harm might come to her, because of the attachment of her father to the royal cause, had induced two Indians of different tribes by promises of large recompense to take her under their escort to the British camp. It is supposed that the two Indians carried out the first part of their contract faithfully and had conducted her nearly to the British camp when they fell into a dispute as to who should receive the reward, each contending that the entire sum belonged to himself. Working themselves into a fury in their dispute, they decided to settle the matter by killing the young lady herself, and with a brutal blow of his tomahawk one of the Indians laid the unfortu-

* See also Trevelyan, *American Revolution*, vol. iv., pp. 155-156; Tuckerman, *Life of Schuyler*, pp. 234-235; Arnold, *Life of Arnold*, pp. 165-166; Irving, *Life of Washington*, vol. iii., pp. 199-201.

† See the letters in Sparks, *Correspondence of the Revolution*, vol. ii. pp. 522-523. See also Irving, *Life of Washington*, vol. iii., pp. 201-203.

nate maiden dead at his feet.* Such atrocities as these, Gates said, had very much embittered the people of the country against the British. Furthermore, whatever assistance the British might have received at the hands of their Indian allies was more than counterbalanced by the fury of the colonists when they fought against those who had disgraced themselves by the aid of such allies.

Because of the defeat of St. Leger and the disastrous result of the expedition against Bennington, Burgoyne was left to his own resources; yet there was one other hope to which he obstinately clung—that Clinton would be able to send him some assistance from New York. He was unwilling to abandon the enterprise, if there were the slightest reason to expect that reinforcements would arrive from the South. Should these reinforcements arrive, he anticipated little difficulty in accomplishing the great object of the campaign.† He

was now under the necessity of bringing the supplies for his army from Fort George; and yet, in spite of the difficulty of this task, he persevered in it until he had collected sufficient provisions for thirty days. Building a bridge of boats over the Hudson, he then entered upon what proved to be the last step of his disastrous campaign. On the 13th and 14th of September the army crossed the river and encamped on the heights and plains of Saratoga about twenty miles below Fort Edward and thirty-seven miles above Albany.* Gates in the meanwhile had been reinforced by all the Continental troops which could be spared for the northern department, and also by considerable bodies of militia. He evacuated the position taken by Schuyler at the confluence of the Mohawk and Hudson rivers, and proceeded sixteen miles up the river toward the enemy. Acting on the advice of Arnold and Thaddeus Kosciuszko, Gates established his camp at Behmus's (or Bemis's) Heights near Stillwater.† At this time the two armies were but twelve miles apart. But the roads were in poor condition and the bridges had been destroyed, so that the progress of both armies was practically cut short

* Mr. Lossing, in his *Field-Book of the Revolution*, vol. i., pp. 96-102, comes to the conclusion that this young lady was killed by a shot fired by a party of Americans in pursuit of the Indians, who had carried her off. See Thacher's *Military Journal*, p. 95; Fiske, *American Revolution*, vol. i., pp. 277-279; and the version by W. L. Stone in *Appleton's Cyclopædia of American Biography*. Trevelyan says that the latter version as given above has long been disproved and discredited.—*American Revolution*, pp. 127-128, note.

† Howe at this time was at Philadelphia with the British army, and Washington was keeping him busy. Clinton was only left enough men at New York to defend the town. For a review of the reasons for Howe's failure to support Burgoyne, see Fisher, *Struggle for American Independence*, vol. ii., pp. 67-76.

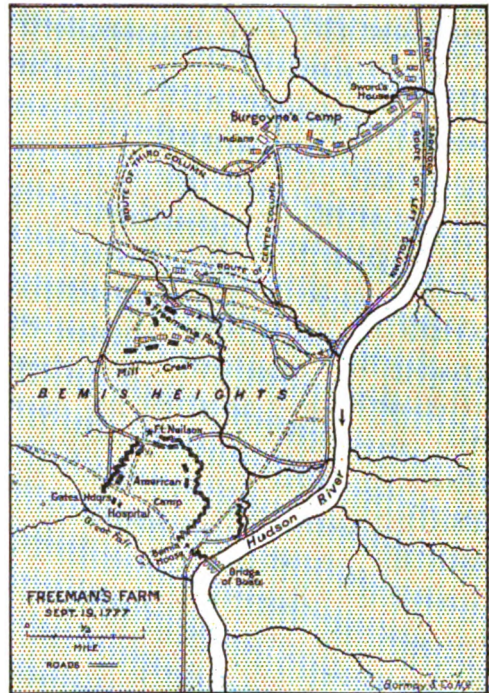
* J. M. Hadden, *Journal Kept upon Burgoyne's Expedition* (ed. by Rogers, 1884) p. 144; *Clinton Papers*, vol. ii., p. 431; Carrington, *Battles of the Revolution*, pp. 336-337; Drake, *Burgoyne's Invasion*, pp. 101-105.

† Arnold, *Life of Arnold*, pp. 166-167; Irving, *Life of Washington*, vol. iii., p. 239; Trevelyan, *American Revolution*, vol. iv., p. 161.

and neither could make a direct attack upon the other. Small bodies were sent out by each to harass the other, and some skirmishing ensued.*

On the evening of September 17, Burgoyne had advanced to within four miles of the American army, where he was again halted in order to make repairs to bridges between the two camps. This having been accomplished, he advanced on the 19th of September at the head of the right wing of his army toward the left of the Americans. His right flank was covered by General Fraser and Colonel Breymann with the grenadiers and light infantry, while in front were the Canadians, Loyalists and Indians. Generals Phillips and Riedesel commanded the left wing and artillery which proceeded along the main road near the river.† According to modern military tactics, it would probably have been a wiser plan for Gates to have awaited the attack, assuming the defensive entirely, but his troops were eager for battle and the impetuous daring of Arnold could not be restrained. Consequently, Gates detached Morgan with his riflemen to the support of those who had gone ahead. Morgan, after a spirited skirmish, succeeded in driving the Canadians and Indians back upon the main army of the

English.* Meanwhile Fraser, with the British right, was pushing forward to attack the American left,‡ but was suddenly stopped short in his advance by Arnold, who with the American left had planned a similar attack on the British right. Arnold



could not be satisfied with planning the battle and giving orders, but he himself mounted his charger and with shouts led the men to the attack.‡ He

* Drake, *Burgoyne's Invasion*, p. 106; Arnold, p. 171; Irving, *Life of Washington*, vol. iii., p. 243.

† Baroness Riedesel, *Letters and Journals of the American Revolution* (ed. by Stone), p. 99; Drake, pp. 106-107.

‡ There is much difference of opinion as to whether Arnold actually led his forces or merely directed them from the rear. The evidence is sifted by Arnold, in his *Life of Arnold*, pp. 173-190, by Carrington in his *Battles of the Revolu-*

* Lossing's *Schuyler*, vol. ii., p. 343.

† Arnold, *Life of Arnold*, pp. 169-171; Lossing, *Field-Book of the Revolution*, vol. i., pp. 51-52; Lowell, *Hessians in the Revolution*, p. 152.

was soon driven back by Fraser, but rallying his troops and having now received reinforcements, he made an attempt to cut off Fraser from the main body of the British army. Fraser, however, parried this attack by rushing new regiments to the scene of the fight, and Phillips also sent four pieces of light artillery to reinforce Fraser's division.* For a time the contest was almost suspended, the two armies being about equal, and the generals looked over the lay of the ground in order to devise a plan by which the opposing force could be defeated. About three o'clock the battle was renewed with greater fury than ever. The British artillery opened up a hot fire on the Americans, but because of the thickness of the woods it had little effect. The British troops then made a charge with the bayonet and succeeded in driving the Americans into the woods, but here the latter rallied and succeeded in regaining the lost ground. For some time the contest was carried on in this manner, each army alter-

nately losing and recapturing ground; the British guns were several times taken and re-taken. The British troops, however, were not accustomed to fighting in the woods, whereas the Americans were at home, and the American riflemen inflicted much damage by climbing into the trees and picking off the British officers one by one. Burgoyne, himself, had several narrow escapes from death in this manner.* When darkness put an end to the contest the Americans retreated to their camp, but the British lay all night on their arms near the field of battle. This battle is known as the battle of Freeman's Farm, the first battle of Saratoga, and sometimes as the first battle of Stillwater.†

In the action the American army lost about 325 men in killed and wounded, while the British loss was more than 500.‡ Each side claimed the victory, because each thought that with but a part of its own army it had defeated the whole of the opposing force. As it was, however, neither army was defeated. Burgoyne, technically speaking, was the victor for he had advanced a mile and a half in

tion, pp. 342-344, and by Lossing in his *Field-Book of the Revolution*, vol. i., pp. 55-56, and it seems so perfectly consistent with Arnold's nature to have been in the thickest of the fight that we have considered Stedman, Marshall, Irving, Schuyler, Dawson and others to have stated his actions correctly. See, however, the accounts by Gordon, Bancroft, Graham, Wilkinson and others and the article in the *Magazine of American History*, vol. iv., p. 186 (March, 1880).

* Irving, *Life of Washington*, vol. iii., p. 244 *et seq.*; Arnold, *Life of Arnold*, p. 172; Bancroft, vol. v., p. 183; Fiske, *American Revolution*, vol. i., pp. 326-327; Drake, pp. 110-111; Lossing, *Field-Book of the Revolution*, vol. i., pp. 52-53.

* Lossing, *Field-Book of the Revolution*, vol. i., p. 55.

† Graham, *Life of Morgan*, pp. 143-153; Riedesel, *Memoirs*, pp. 143-145; Bancroft, vol. v., p. 184; Carrington, *Battles of the Revolution*, pp. 338-342; Fisher, *Struggle for American Independence*, vol. ii., pp. 88-93; Wilkinson, *Memoirs*, vol. i., chap. vi.; Gordon, *American Revolution*, vol. ii., pp. 547-553 (ed. 1788); Burgoyne, *State of the Expedition from Canada*, pp. 60, 69-70, 77, 102-103, 125, 162, Appendix 14.

‡ Thacher, *Military Journal*, p. 98.



THE BATTLE OF SARATOGA — GENERAL ARNOLD WOUNDED IN THE ATTACK ON THE HESSIAN REDOUBT.

front of his camp and retained his ground, but broadly speaking, it was an American victory, for Burgoyne had failed in his attempt to dislodge the enemy and had been arrested in his progress.* His communication with the lakes was cut off by General Lincoln's troops under Major Brown, who had made a detour to the north, swooped down upon the British outposts at Sugar Loaf Hill and Ticonderoga and captured 300 prisoners, several gun-boats, and all the transportation barges.† Moreover, Burgoyne's resources were daily becoming more scarce, while on the other hand, the Americans, in addition to having the whole country to draw upon for supplies, were constantly being reinforced by the arrival of fresh troops possessed of an ardent desire to aid in repulsing the British. Under these circumstances, to fight without gaining a decisive victory was almost a defeat for the British, while to the Americans it was almost a victory to have fought the British army, simply without being defeated. Throughout the colonies the news of the British repulse was received with joy and exultation, and it was confidently expected that then and there the whole British army would be captured. At the time of the battle the army under the com-

mand of Gates numbered about 7,000 men, but when the news of the battle spread over the country, the militia began to take the field in large numbers and shortly afterwards Gates' army had increased to about 11,000 men.*

Early in October, while Burgoyne was thus leading the army to destruction, Clinton was laying plans to proceed up the Hudson immediately upon the arrival of reinforcements. Fortunately for the American army and the American cause, the ships transporting the troops consumed three months in the voyage to America, and did not arrive at New York until early in October. Clinton then made active preparations to attack Forts Clinton and Montgomery in the Highlands, for which purpose he dispatched 3,000 men, and some war ships under Commodore Hotham. Forts Clinton and Montgomery were situated about fifty miles above New York on the western bank of the Hudson, and separated only by a rivulet which emptied into the Hudson. To prevent the passage of any war ships up the river, a boom had been constructed across the river from bank to bank, strengthened by heavy iron chains in front and supported by chevaux-de-frise sunk behind it.† Above this protective boom were sta-

* Trevelyan, *American Revolution*, vol. iv., p. 167.

† See Sparks, *Correspondence of the Revolution*, vol. ii., pp. 528-530; Trevelyan, *American Revolution*, vol. iv., p. 169; Robinson, *Vermont*, pp. 179-181.

* Hildreth, vol. iii., pp. 204-207; Fisher, *Struggle for American Independence*, vol. ii., p. 94. Trevelyan estimates the force at "between thirteen and fourteen thousand."—*American Revolution*, vol. iv., p. 174.

† Carrington, *Battles of the Revolution*, p. 355.

tioned a frigate and galleys, so that any ships which might attempt to and ships. This seemed to present an almost insurmountable obstacle to



PLAN OF THE ATTACK ON FORTS CLINTON AND MONTGOMERY BY THE BRITISH FORCES UNDER SIR HENRY CLINTON, IN OCTOBER, 1777.

make a passage would be compelled to break the boom, and would also be subjected to a fire from both the forts any attempt to send reinforcements to Albany. In addition to Forts Clinton and Montgomery, about four or five

miles below on the opposite side of the river, stood Fort Independence, while six miles above the boom on an island on the eastern bank stood Fort Constitution. Just below Fort Independence on the same side of the river was Peekskill, headquarters of the commanding general. At this time General Putnam was in command here, his force consisting of about 1,500 men.*

On October 5 Clinton made a landing at Verplank's Point a little below Peekskill on the same side of the river. Believing that the intention was to attack Fort Independence and to march through the Highlands on the east side of the river toward Albany, Putnam retired to the heights in his rear. He had no suspicion as to the real point of attack, and consequently failed to strengthen the garrisons of the forts on the western bank.† In order to conceal the real object of their attack, the British fleet moved higher up the river, and on the evening of October 5 Clinton embarked more than 2,000 of his men, leaving the rest to guard Verplank's Point. Early on the morning of the 6th he landed at Stony Point on the west side of the river and then began his march over the mountains toward the forts, which he had originally in-

tended to attack. This part of Clinton's march was exceedingly careless, for if the Americans had been cognizant of the object of his attack, they could have concealed sufficient forces in the defiles of the mountains to have completely overwhelmed Clinton's troops. As it was, however, his progress was not discovered until he had reached the vicinity of the forts. There he encountered the pickets of the American army who immediately sounded a warning. The attack was made on both forts simultaneously; Fort Montgomery was quickly taken, but most of the garrison, under the cover of darkness, made their escape. An obstinate resistance was made by the troops at Fort Clinton, but the British stormed it and took a large portion of the garrison prisoners. As soon as he comprehended the real object of the British, Putnam endeavored to send reinforcements to the beleaguered garrison, but his efforts were too late to be of any avail. In this affray the British lost about 40 killed and 150 wounded; the American loss was about double that of the British.*

The forts having been taken, the boom and other obstructions in the river were useless and were easily destroyed. The American vessels, there-

* About 1,200 Continental troops and 300 militia.—Carrington, *Battles of the Revolution*, p. 357. On his conduct of affairs, see Livingston, *Life of Putnam*, pp. 344–354.

† Lossing, *Field-Book of the Revolution*, vol. i., p. 733. See also Putnam's letter to Washington, quoted in Livingston's *Life of Putnam*, p. 355.

* Carrington, *Battles of the Revolution*, p. 359. See also Putnam's reports to Washington, in Sparks, *Correspondence of the Revolution*, vol. i., pp. 438–442; his letters to Gates in *ibid*, vol. ii., pp. 538–539; the particulars in Sparks' ed. of Washington's *Writings*, vol. v., p. 471; Lossing, *Field-Book of the Revolution*, vol. i., pp. 733–736.

fore, being unable to make their escape were set on fire to prevent their capture by the British.* Stedman says: "The flames suddenly burst forth, and, as every sail was set, the vessels soon became magnificent pyramids of fire. The reflection on the steep side of the opposite mountain, and the long train of ruddy light which shone upon the waters for a prodigious distance, had a wonderful effect; while the air was filled with the continual echoes from the rocky shores, as the flames gradually reached the loaded cannons. The whole was sublimely terminated by the explosions, which left all again in darkness." The next morning the British fleet began the work of destroying the boom, after which Fort Constitution was easily taken and the road was clear along the river shore to Albany.† The British now despatched a predatory expedition into the contiguous territory; they destroyed everything in the neighborhood, and, sailing up the river as far as Esopus, burned it to the ground.

It must ever remain a matter of conjecture as to why Clinton failed to push forward to Albany with all possible speed. Had he done so, undoubtedly he could have fallen upon the rear of the American army under Gates, and if he did not defeat it, might at least have distracted the attention of a sufficient number of troops to enable Burgoyne either to

accomplish the defeat of the Americans or to make good his escape. But he failed to respond to Burgoyne's entreaties, and the latter was forced to surrender.*

While Clinton was engaged in capturing the forts on the lower river, Burgoyne was unable to extricate himself from his critical situation. He saw that it was a case of fight or starve, and he determined upon the former.† It was now the 7th of October and he dispatched a note to Clinton saying that it was impossible to hold out beyond the 12th, urging him, therefore, to use all possible speed in pushing up the river.‡ Burgoyne thought if he struck a decisive blow, he might find some means of escaping from the trap in which he had been caught. He deemed it unwise to detach a large body of

* Gordon, *American Revolution*, vol. ii., pp. 554-558, 579 (ed. 1788); Jones, *New York in the Revolution*, vol. i., pp. 219, 704; Ford's ed. of Washington's *Writings*, vol. vi., pp. 111, 129, 164; Lossing, *Field-Book of the Revolution*, vol. i., pp. 388-389. At this very time Gates was according honorable, and even courteous, consideration to Burgoyne and his army, and these outrages greatly aggravated the feelings of the Americans. Gates wrote a sharp letter to John Vaughan, the British general, concluding it as follows: "Is it thus that the generals of the king expect to make converts to the royal cause? Their cruelties operate a contrary effect: independence is founded upon the universal disgust of the people. The fortune of war has delivered into my hands older and abler generals than General Vaughan is reputed to be; their condition may one day become his, and then no human power can save him from the just vengeance of an offended people."

† Lowell, *Hessians in the Revolution*.

‡ Lossing, *Field-Book of the Revolution*, vol. i., p. 59.

* Heath's *Memoirs*, p. 120 (Abbatt's ed.).

† Lamb, *City of New York*, vol. ii., p. 182.

troops from the main army, for fear that if he did so, these troops would be cut off by the Americans and his main force weakened just so much. On the other hand, his troops were insufficient to make any successful attack on the main body of the Americans, but as it was necessary for him to choose the lesser of the two evils, he decided on the 7th of October to make a forward movement. On the morning of that day, partly to cover a foraging party and partly to turn the American's left, which had been considerably strengthened since the first battle,* he set out, and after some preliminary skirmishing, engaged in a general conflict with the Americans. The centre of the British army was under Generals Phillips and Riedesel, the right under Earl Balcarres, the left under Major John D. Ackland (or Acland), and the artillery under Major Williams. General Fraser had command of 500 picked men, and at the critical moment was to fall upon the left flank of the American army. Perceiving this design, Gates detached Morgan with his rifle corps and other troops to the number of about 1,500 to overwhelm Fraser, while another large force attacked the British left.† The battle was fought by both sides with great bravery; throughout the whole day the conflict raged with unabated fury. Arnold,

like a spirit of war incarnate, seemed to be everywhere on the field of battle urging on the men.* General Fraser was mortally wounded, and perceiving that his forces were completely overpowered, and that if he did not retire the superior marksmanship of the Americans would result in a total rout, Burgoyne determined to withdraw his forces and regain his camp. He was obliged, however, to leave his field pieces on the scene of action and most of his artillery corps were lost.† Colonel Breymann was killed‡ and Major Williams and Major Ackland, the latter being wounded, were among the prisoners captured by the Americans.|| The American loss was

* Carrington, *Battles of the Revolution*, pp. 347-348; Arnold, *Life of Arnold*, pp. 191-211; Sparks, *Life of Arnold*, p. 118 *et seq.*

† Fiske, *American Revolution*, vol. i., p. 330 *et seq.*; Lossing, vol. i., pp. 61-65; Trevelyan, *American Revolution*, vol. iv., p. 177 *et seq.*; Stone, *Campaign of General Burgoyne*, p. 324 *et seq.*

‡ Lowell, *Hessians in the Revolution*, pp. 157-158.

|| Regarding the wife of Major Ackland, Lady Harriet Ackland, Thacher says: "This heroic lady, from conjugal affection, was induced to follow the fortune of her husband during the whole campaign through the wilderness. Having been habituated to a mode of life with which those of rank and fortune are peculiarly favored, her delicate frame was ill calculated to sustain the indescribable privations and hardships to which she was unavoidably exposed during an active campaign. Her vehicle of conveyance was, part of the time, a small two-wheeled tumbril, drawn by a single horse, over roads almost impassable. Soon after she received the affecting intelligence that her husband had received a wound, and was a prisoner, she manifested the greatest tenderness and affection, and resolved to visit him in our camp to console and alleviate his sufferings. With this view she obtained a letter from Burgoyne to General Gates, and not permitting the prospect of

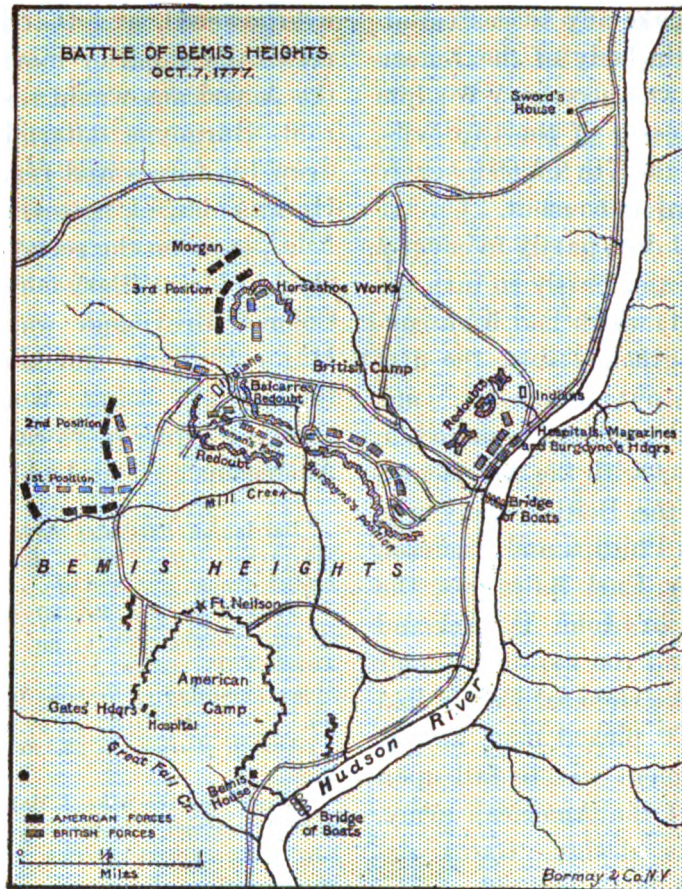
* Drake, *Burgoyne's Invasion*, pp. 118-120; Lossing, p. 60.

† Bancroft, vol. v., p. 187; Lossing, p. 60; Trevelyan, *American Revolution*, vol. iv., p. 177.

comparatively small, considering the fury of the conflict. This battle is known as the battle of Behmus's (or Bemis's) Heights or the second

battle of Saratoga or the second battle of Freeman's Farm.*

The American army lay all night on their arms about a half mile dis-



being out in the night, and drenched in rain, to repress her zeal, she proceeded, in an open boat, with a few attendants, and arrived at our outpost in the night, in a suffering condition, from extreme wet and cold. The sentinel, faithful to his duty, detained them in the boat till Major Dearborn, the officer of the guard, could arrive. He permitted them to land, and afforded Lady Ackland the best accommodations in his power, and treated her with a cup of tea in his guard-house. When General Gates, in the morning, was informed of the unhappy situation of Lady Ackland, he immediately ordered her a safe escort, and treated her himself with the tenderness of a

parent from the British. It was their intention to finish the work so well

parent, directing that every attention should be bestowed which her rank, sex, character and circumstances required. She was soon conveyed to Albany, where she found her wounded husband." — *Military Journal*, pp. 110, 349 *et seq.* See also Lossing, *Field-Book of the Revolution*, vol. i., pp. 66–68.

* For further details, see Hildreth, vol. iii., pp. 207–210; Carrington, *Battle of the Revolution*, pp. 345–350; Wilkinson's *Memoirs*, vol. i., chap. vii.

begun the next morning, but during the night Burgoyne shifted his army from the untenable position he was then occupying and established a strong camp on the heights, extending his right up the river. While this movement was taking place, General Fraser was fast sinking; he had been carried to the house occupied by Baroness Riedesel, arriving there at the time when the Baroness was preparing to receive Generals Burgoyne, Phillips and Fraser at luncheon. Hardly had Fraser been brought in when other wounded officers began to arrive, until the house was almost filled with the wounded and dying. Fraser died the next morning, after having expressed a desire to be buried, at six o'clock in the evening in the great redoubt.* Although Burgoyne had decided to retreat and delay was dangerous, yet he determined to comply with the request of his fellow officer. The day was occupied with skirmishing between the two armies and in preparations on the part of the British for retreating. At the hour set by Fraser for his burial, the departed general was brought out and buried in full sight of both armies, after impressive burial services had been read.†

Immediately after this duty had been discharged, the British army was in motion. The sick and wounded were abandoned to the mercy of the

Americans, and all through the night, in spite of the rain, mud and poor condition of the roads, the British troops trudged along.* At six in the morning the army came to a halt, when the soldiers fell asleep in their wet clothes. Such were the general conditions that Saratoga, only six miles away, was not reached until evening of the following day. In the meanwhile, to cover the retreat, Burgoyne had ordered General Schuyler's house and mills to be set on fire.† Realizing it would be impossible to undertake further offensive operations, Burgoyne put forth all his efforts to make good his retreat to Fort George, sending forward the artificers connected with the army to repair bridges and open roads so as to make the passage of the army much easier, but this advance party was compelled to make a hasty retreat.

At this time the Americans themselves very nearly put their own heads in a noose. Gates had received what was supposed to be trustworthy information that a body of Burgoyne's army had marched off toward Fort Edward, leaving only a small rear-guard in the camp. This rear-guard was also to push on as fast as possible, leaving the heavy baggage behind. Gates therefore determined

* Thacher, *Military Journal*, pp. 352-353; Lossing, *Field-Book of the Revolution*, vol. i., p. 65.

† Thacher, *Military Journal*, pp. 347-349.

* Baroness Riedesel's *Letters and Journals*, pp. 102-103; *Clinton Papers*, vol. ii., p. 384.

† Lossing, *Field-Book of the Revolution*, vol. i., pp. 72-73; Trevelyan, *American Revolution*, vol. iv., pp. 185-186.

to send a portion of the American army to drive out this portion of the army and take possession of the camp. General John Nixon's brigade, being the eldest, was the first to cross Saratoga Creek. Unknown to the Americans, General Burgoyne had formed a line in the nearby woods to support the artillery where it was supposed the Americans would attack. General Glover with his brigade was on the point of joining Nixon, but as he entered the water he captured a British officer who told him that the whole British army was still in camp and had not departed. Expresses were immediately sent forward to Nixon to stop his further advance, and the information was also conveyed to Gates, who thereupon countermanded his orders for the assault and called back his troops. The loss was small.*

Burgoyne's situation was becoming more critical every hour, and he decided to retreat by night to Fort Edward, but the information regarding his intentions was somehow conveyed to the American army, who established a strong battery of artillery there.† Thus Burgoyne was left without a single avenue of escape. His troops were worn out by continuous fighting, his supplies were almost

exhausted, and there was no means of replenishing his stock. The soldiers bore their reverses with great fortitude, and the women with the army were equally brave.* According to Baroness Frederika von Riedesel,

"A terrible cannonade was commenced by the enemy against the house in which I sought to obtain shelter for myself and children, under the mistaken idea that all the generals were in it. Alas! it contained none but wounded and women. We were at last obliged to resort to the cellar for refuge, and in one corner of this I remained the whole day, my children sleeping on the earth with their heads in my lap, and in the same situation I passed a sleepless night. Eleven cannon balls passed through the house, and we could distinctly hear them roll away. One poor soldier, who was lying on a table, for the purpose of having his leg amputated, was struck by a shot, which carried away his other; his comrades had left him, and when we went to his assistance, we found him in a corner of the room, into which he had crept, more dead than alive, scarcely breathing. My reflections on the danger to which my husband was exposed, now agonized me exceedingly, and the thoughts of my children, and the necessity of struggling for their preservation, alone sustained me."†

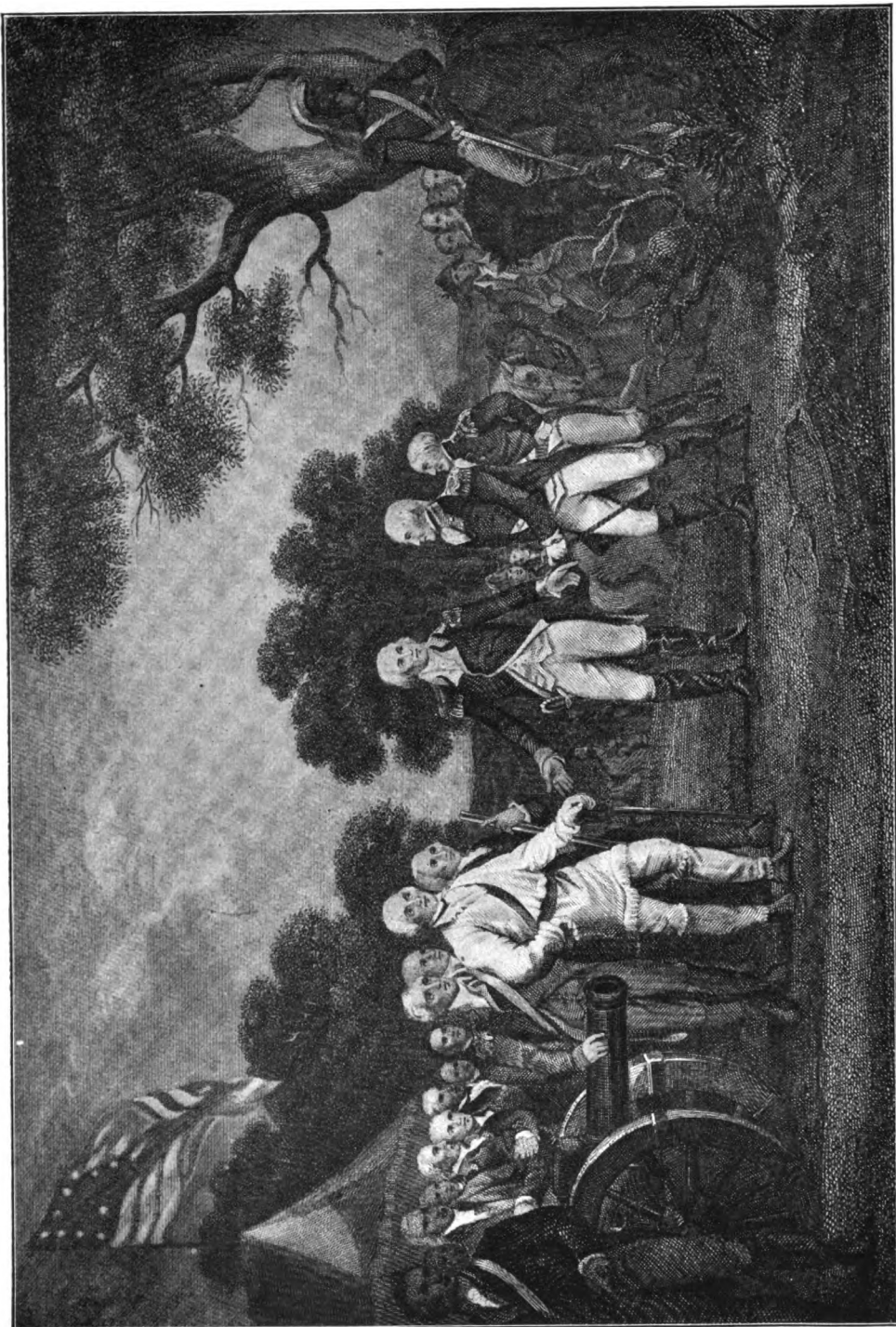
The cellar was filled with wounded officers and terrified women, whom the Baroness tried in every way to relieve, and such was the condition in the house that General Phillips said, "I would not for ten thousand guineas come again to this place, my heart is almost broken." Conditions continued in this same state for several days longer, and finally a cessation of hostilities was agreed upon and the sufferings of the British re-

* See Thacher, *Military Journal*, p. 103, note; Carrington, *Battles of the Revolution*, p. 351; Lossing, *Field-Book of the Revolution*, vol. i., pp. 75-76; Trevelyan, *American Revolution*, vol. iv., p. 188.

† Drake, *Burgoyne's Invasion*, pp. 130-133; Lossing, p. 74.

* Trevelyan, *American Revolution*, vol. iv., pp. 189-191.

† Thacher, *Military Journal*, p. 356; Lossing, *Field-Book of the Revolution*, vol. i., p. 89; Lowell, *Hessians in the Revolution*, p. 172 et seq.



THE SURRENDER OF BURGOYNE'S ARMY.
(From the painting by John Trumbull.)

lieved.* Burgoyne realized the futility of any further attempt at escape, and for the sake of the men under him decided to ask upon what terms he might surrender. On October 14 he sent the following message to the American commander:

"After having fought you twice, Lieutenant-General Burgoyne has waited some days in his present position, determined to try a third conflict against any force you could bring against him. He is apprized of your superiority of numbers, and the disposition of your troops to impede his supplies, and render his retreat a scene of carnage on both sides. In this situation, he is impelled by humanity, and thinks himself justified by established principles and precedents of state and war, to spare the lives of brave men upon honorable terms. Should Major-General Gates be inclined to treat upon that idea, General Burgoyne would propose a cessation of arms during the time necessary to communicate the preliminary terms, by which in any extremity he and his army mean to abide." †

In discussing the terms of surrender, two days were consumed, but finally on the morning of October 17 the terms of capitulation were agreed upon.‡ Gates had desired that the British army be surrendered as prisoners of war, but knowing that Clinton was using every endeavor to push up the Hudson in the hope of meeting Burgoyne, he finally gave way on this point, and the terms of sur-

render were as follows:* The British were to march out with all the honors of war, and its camp artillery, to a certain place, where they should deposit their arms and leave the artillery; they were to be given free passage to England, on condition that they would not again serve in America during the present conflict; the army was not to be divided, particularly the men from the officers; the officers admitted on parole and permitted to wear their side arms; roll-carrying and other regular duties were to be permitted; private property was to be retained; baggage was not to be searched nor molested; and the Canadians were to be sent back to their country, while all other persons, no matter what their nationality, appertaining to or following the camp, were to be fully comprehended in the terms of capitulation.† The total force surrendered was 5,763.‡

* See the resumé in Lossing, *Field-Book of the Revolution*, vol. i., pp. 78-79.

† Wilkinson, who was adjutant-general, in his *Memoirs*, gives an account of the first interview between the conquerer and the conquered: "General Burgoyne proposed to be introduced to General Gates, and we crossed the Fishkill, and pro-

‡ Carrington, *Battles of the Revolution*, p. 352. Lowell, in his *Hessians in the Revolution*, p. 169 makes the number 5,791, as does Lossing. See also Fisher, *Struggle for American Independence*, vol. ii., chap. lxii.; Heath's *Memoirs*, p. 172 *et seq.* (Abbatt's ed.). On Burgoyne's reception in England and his efforts to obtain a hearing to settle the responsibility for his defeat, see Fisher, vol. ii., chap. lxiii. and authorities cited. On the entire campaign, see also John A. Stevens, *The Burgoyne Campaign*; John Watts De Peyster, *Major-General Philip Schuyler and the Burgoyne Campaign*; Douglas Campbell, *Central New York in the Revolution*; William L. Stone, *Burgoyne's Surrender*.

* Thacher, *Military Journal*, p. 358; Lowell, *Hessians in the Revolution*, p. 177.

† Lossing, *Field-Book of the Revolution* vol. i., p. 78; Thacher, p. 106.

‡ *Clinton Papers*, vol. ii., pp. 439-448. See also Burgoyne's defence of his campaign in his *A State of the Expedition from Canada as Laid before the House of Commons* (1780); Lowell, *Hessians in the Revolution*, pp. 162-169; De Fonblanque's *Burgoyne*, p. 306 *et seq.*

When the British army left Ticonderoga, it numbered about 10,000 men, exclusive of Indians, but through the casualties of war, desertion, etc., it had been reduced at the time of surrender to less than 6,000, including among the soldiers six members of Parliament. At this time the army under General Gates amounted to more than 9,000 regular troops and 4,000 militia. Upon the surrender, the Americans secured a fine train of brass artillery, consisting of 40 pieces of various sizes and descriptions, and all the arms and baggage of the British troops.* When the British,

ceeded to headquarters on horseback, General Burgoyne in front, with his Adjutant-general Kingston, and his aids-de-camp, Captain Lord Petersham and Lieutenant Wilford behind him; then followed Major-general Philips, the Baron Riedesel, and the other general officers, and their suites, according to rank. General Gates, advised of Burgoyne's approach, met him at the head of his camp, Burgoyne, in a rich royal uniform, and Gates, in a plain blue frock. When they approached nearly within sword's length, they reined up and halted. I then named the gentlemen, and General Burgoyne, raising his hat most gracefully, said, 'The fortune of war, General Gates, has made me your prisoner;' to which the conqueror, returning a courtly salute, promptly replied, 'I shall always be ready to bear testimony, that it has not been through any fault of your excellency.' Major-general Philips then advanced, and he and General Gates saluted, and shook hands with the familiarity of old acquaintances. The Baron Riedesel and other officers were introduced in their turn." Doctor Ramsey, also, in his *History of American Revolution*, p. 368, says, that "the conduct of General Burgoyne in his interview with General Gates, was truly dignified, and the historian is at a loss whether to admire most, the magnanimity of the victorious, or the fortitude of the vanquished general." See also Hildreth, vol. iii., pp. 211-215; Thacher, *Military Journal*, p. 107; Lossing, pp. 80-81.

* Lossing, *Field-Book of the Revolution*, vol. i., pp. 81-82.

who had possession of the forts on the lakes, learned of Burgoyne's surrender, they destroyed everything in the vicinity, threw their artillery into the lake, and retreated toward the north. This was the culmination of the British attempt to divide the colonies.* At the outset its successes seemed to presage ultimate victory, but the obstacles were too great to be overcome, and the British, who expected such brilliant results, fell victims. Undoubtedly the campaign had been planned with great ability, but its execution had been in the hands of those who could not force matters to their own liking. Throughout the entire campaign, the British generals seemed to have been working at opposites. Instead of moving in concert, when one advanced, the other retreated. When Carleton had obtained command of the lakes, Howe, instead of going up the Hudson toward Albany, made a movement into Jersey and advanced toward the Delaware. Again, when Burgoyne began his triumphant march toward the south, Howe began his expedition against Philadelphia, thus depriving the northern army of the aid to be expected from that of the south. To this want of coöperation may possibly be attributed the ruin of the whole enterprise.

Immediately after the surrender, Gates, instead of reporting the victory to the commander-in-chief, as was his

* Botta, *History of the War of Independence*, vol. ii., p. 328.

duty, sent his aide, Wilkinson, with the news directly to Congress, thereby slighting Washington. When Wilkinson was introduced into the Hall of Congress, he said "The whole British army has laid down arms at Saratoga; our own, full of vigor and courage, expect your orders; it is for your wisdom to decide where the country may still have need of their services." Congress thereupon passed a vote of thanks to Gates and his army, and Wilkinson was brevetted brigadier-general; a gold medal was also ordered to be struck in commemoration of the event and to be presented to Gates.* The victorious Americans treated their vanquished foes with every degree of kindness and consideration. The sick and wounded were carefully nursed, and in every way the officers and troops were made to feel that the conquerors were as generous as they were brave. Baroness Riedesel particularly mentions General Schuyler's courtesy and politeness to herself and others who accompanied the army. She says:

"Some days after this we arrived at Albany, where we so often wished ourselves; but we did not enter it as we expected we should — victors! We were received by the good General Schuyler, his wife, and daughters, not as enemies, but kind friends, and they treated us with the most marked attention and politeness, as they did General Burgoyne, who had caused General Schuyler's beautifully finished house to be burned. In fact, they behaved like persons of exalted minds, who determined to bury all recollection of *their own* injuries in the contemplation of *our* misfortunes. General Burgoyne was struck with General Schuy-

ler's generosity, and said to him, 'You show me great kindness, though I have done you great injury.' 'That was the fate of war,' replied the brave man, 'let us say no more about it.'"

After the army reached Boston, however, it was not long before trouble arose. Congress was suspicious that the British would not hesitate to reinlist the paroled soldiers immediately upon their arrival in England, and the committee of Congress having this in charge sought a pretext upon which they might hold the troops in this country. The British committed a number of minor disturbances in Boston, as is only natural when a large body of men are congregated together, and Congress seized upon this and some similar pretexts as justifying them in refusing to allow the embarkation of the troops at all.† Consequently, the troops were long detained in Massachusetts and were afterward sent to the back woods of Virginia, none of them being released except through exchange. It was obviously the intention of Congress to keep 5,000 men out of the field, and by some it is considered that the means employed by Congress to accomplish their ends were dishonorable and lost them more in character than they gained in strength. Some claim that the allegations by which Congress attempted to justify their actions in affecting to distrust the British faith and honor, were false

* See Thacher, *Military Journal*, pp. 112, 360; Tuckerman, *Life of Schuyler*, pp. 238-241.

† See Marshall, *Life of Washington*, vol. i., pp. 230-232; *Clinton Papers*, vol. ii., pp. 660-665.

* Lossing, *Field-Book of the Revolution*, vol. i., p. 83, where a facsimile of the medal is given.

and frivolous. Probably this was entirely uncalled for and the British were perfectly honorable in their intentions. At any rate, these were the terms made by the American commander, and for the honor of America they should have been carried out to the letter. An historian says, "We shall not undertake to decide whether the fears manifested by Congress had a real foundation, and we shall ab-

stain as well from blaming the imprudence of Burgoyne, as from praising the wisdom, or condemning the distrust of Congress. It is but too certain, that in these civil dissensions and animosities, appearances become realities and probabilities demonstration. Accordingly, at that time, the Americans complained bitterly of British perfidy, and the English of American want of faith."*

APPENDIX TO CHAPTER XVI.

BURGOYNE'S PROCLAMATION.

By JOHN BURGOYNE, Esq., lieutenant-general of his majesty's armies in America, colonel of the queen's regiment of light dragoons, governor of Fort William, in North Britain, one of the representatives of the Commons of Great Britain, and commanding an army and fleet employed on an expedition from Canada, etc., etc.

The forces entrusted to my command, are designed to act in concert, and upon a common principle, with the numerous armies and fleets which already display in every quarter of America, the power, the justice, and, when properly sought, the mercy of the king.

The cause in which the British arms is thus exerted, applies to the most affecting interests of the human heart; and the military servants of the crown, at first called forth for the sole purpose of restoring the rights of the Constitution, now combine with love of their country, and duty to their sovereign, the other extensive incitements, which form a due sense of the general privileges of mankind. To the eyes and ears of the temperate part of the public, and the breasts of suffering thousands, in the provinces, be the melancholy appeal, whether the present unnatural rebellion has not been made a foundation for the completest system of tyranny that ever God, in his displeasure, suffered for a time to be exercised over a froward and stubborn generation.

Arbitrary imprisonment, confiscation of property, persecution, and torture, unprecedented in the inquisition of the Romish church, are among the palpable enormities that verify the affirmative. These are inflicted, by assemblies and committees, who dare to profess themselves friends to liberty, upon the most quiet subjects, without dis-

tinction of age or sex, for the sole crime, often for the sole suspicion, of having adhered in principle to the government under which they were born, and to which, by every tie, divine and human, they owe allegiance. To consummate these shocking proceedings, the profanation of religion is added to the most profligate prostitution of common reason; the consciences of men are set at naught; and multitudes are compelled not only to bear arms, but also to swear subjection to an usurpation they abhor.

Animated by these considerations; at the head of troops in the full powers of health, discipline, and valor; determined to strike where necessary,

* See also Fiske, *American Revolution*, vol. i., pp. 339-344; Jones, *New York in the Revolution*, vol. i., pp. 210-214, 698; Ford's ed. of *Washington's Writings*, vol. vi., pp. 175, 190, 225, 234, 246-247, 283, 293, 309, vol. vii., pp. 222, 276; Gordon, *American Revolution*, vol. iii., pp. 44-49, 117 (ed. 1788); Wilkinson's *Memoirs*, vol. i., chap. viii.; Trevelyan, *American Revolution*, vol. iv., p. 202 *et seq.*; Lamb, *Journal of the American War*, chap. x.; De Fonblanque, *Life of Burgoyne*; Heath's *Memoirs*, p. 129 *et seq.* (Abbatt's ed.); Lowell, *Hessians in the Revolution*, p. 180 *et seq.*; Ford's ed. of *Jefferson's Writings*, vol. ii., pp. 167-180.

and anxious to spare where possible, I, by these presents, invite and exhort all persons, in all places where the progress of this army may point, — and by the blessing of God, I will extend it far — to maintain such a conduct as may justify me in protecting their lands, habitations, and families. The intention of this address is to hold forth security, not depredation to the country. To those whom spirit and principle may induce to partake the glorious task of redeeming their countrymen from dungeons, and re-establishing the blessings of legal government, I offer encouragement and employment; and, upon the first intelligence of their association, I will find means to assist their undertakings. The domestic, the industrious, the infirm, and even the timid inhabitants, I am desirous to protect, provided they remain quietly at their houses; that they do not suffer their cattle to be removed, nor their corn or forage to be secreted or destroyed; that they do not break up their bridges or roads; nor by any other act, directly or indirectly, endeavor to obstruct the operations of the king's troops, or supply or assist those of the enemy.

Every species of provision, brought to my camp will be paid for at an equitable rate, and in solid coin.

In consciousness of Christianity, my royal master's clemency, and the honor of soldiership, I have dwelt upon this invitation, and wished for more persuasive terms to give it impression. And let not people be led to disregard it, by considering their distance from the immediate situation of my camp. I have but to give stretch to the Indian forces under my direction — and they amount to thousands — to overtake the hardened enemies of Great Britain and America. I consider them the same, wherever they may lurk.

If, notwithstanding these endeavors, and sincere inclinations to effect them, the frenzy of hostility should remain, I trust I shall stand acquitted in the eyes of God and men, in denouncing and executing the vengeance of the state against the wilful outcasts. The messengers of justice and of wrath await them in the field: and devastation, famine, and every concomitant horror, that a reluctant, but indispensable prosecution of military duty must occasion, will bar the way to their return.

JOHN BURGOYNE.

Camp, at Ticonderoga, July 2, 1777.

By order of his Excellency, the lieutenant-general.

ROBERT KINGSTON, Secretary.

CHAPTER XVII.

1777.

HOWE'S CAMPAIGN AGAINST PHILADELPHIA.

The plan of campaign — Washington perplexed as to Howe's movements — Arrival of Marquis de Lafayette — Other foreign officers — Howe lands at head of Elk River — Battle of the Brandywine — Retreat of the American Army — Battle near White Horse Tavern — Congress abandons Philadelphia — Navigation on the Delaware obstructed — Battle of Germantown — Attack on Forts Mifflin and Mercer — Final reduction of the Delaware fortifications — Washington retires to White Marsh — Howe's attempt to draw him into battle — Washington goes to winter quarters at Valley Forge.

Undoubtedly, had Howe carried out the plans he had formulated with promptitude and vigor, and had he received sufficient reinforcements of troops, he would have been able to conduct the campaign with a greater degree of success. But reinforcements did not arrive and he remained singularly inactive until late in the spring. This inactivity allowed Washington

time to recruit his army so as to be better able to sustain the contest. But he was unable to penetrate the designs of Howe and was exceedingly perplexed as to the direction in which the British commander intended to strike the first blow. He was therefore under the necessity of distributing his forces over a large territory, so as to be better able to meet any

emergency that might arise. This he did rather than concentrate all his forces in one place, for it would be far easier to move a small body rapidly than a large one. Accordingly, such troops as he could raise in the Northern provinces were stationed partly at Ticonderoga and partly at Peekskill. Those from the Middle and Southern provinces were stationed in New Jersey, and a few corps were sent for the protection of the most Western provinces. Thus, if Howe moved in the direction of Philadelphia, he would be opposed by the forces in New Jersey, while the troops toward the North could be sent against his right flank. If, on the other hand, he should move toward the North, the troops at Peekskill would be able to dispute his passage, while the Southern forces in New Jersey would attack his left flank. Again, if the forces in Canada should come by sea to join General Howe upon the shores of New Jersey, the troops in the North could immediately unite with those in Jersey and thus present a united front against the combined British armies. Again, if the British troops in Canada should make a descent upon Ticonderoga, the forces at Peekskill could be immediately rushed to the aid of the American troops at the former position. Thus the American commander seems to have laid his plans to oppose Howe with the greatest number of troops, no matter what direction the English commander might take. At the same time Congress felt that it

was exceedingly important that the city of Philadelphia should continue in the power of the United States, as its loss would operate powerfully to change the sentiment in America as to the chances of success of the Continental forces. Therefore, Congress ordered a camp to be formed on the western bank of the Delaware, with the double object of receiving such troops as might arrive from the South and West, and of serving in case of need as a reserve. Recruits from Pennsylvania were also to assemble here together with several regiments of Continental troops, the camp being placed in command of Arnold, who at that time was in Philadelphia.

Fortunately, before Howe began active operations Washington received from France a much needed supply of 25,000 muskets.* He then left Morristown, and toward the end of May took a strong position at Middlebrook, nine miles from New Brunswick.† On June 13, 1777, Howe marched out of New Brunswick, evidently with the purpose of attacking Philadelphia, but undoubtedly the real object was to draw Washington from his defences and to bring on a general engagement. Washington, however, was determined to avoid this and Howe was forced to make a movement in another direction. After

* Fisher, *Struggle for American Independence*, vol. ii., p. 10.

† Ford's ed. of *Washington's Writings*, vol. v., pp. 444, 450; Trevelyan, *American Revolution*, vol. iv., p. 58 *et seq.*; Irving, *Life of Washington*, vol. iii., p. 78.

remaining in this position for six days, Howe made a retrograde movement toward Amboy, which drew Washington down from the high ground as far as Quibbletown, whereupon Howe suddenly reversed and endeavored to cut him off from the hills; but Washington beat a hasty retreat to Middlebrook and thus again foiled the British commander. Howe thereupon crossed over to Staten Island and evacuated the Jerseys.*

Again Washington was in a perplexed state of mind as to the meaning of the several movements of the British. It was well known that Burgoyne was advancing toward the South with a large force. In New York the British were making preparations for some expedition by sea, which might be for the purpose of attacking either Philadelphia or New England, in order to create a diversion in favor of Burgoyne.† It might also be that these preparations were being made for the purpose of ascending the Hudson and placing the American army near Saratoga between two fires, and after its defeat, of joining Burgoyne and then pro-

ceeding in full force against Washington in New Jersey.* Thinking that this latter plan was the most likely, Washington was very slow in his movements, but in July, when the British fleet went to sea, he took the main body of his force across Jersey to the Delaware, so as to be prepared should the British make an attempt upon Philadelphia.‡

While awaiting definite news as to the designs of the British, Washington went to Philadelphia to confer with the members of Congress, and while there he met the Marquis de Lafayette for the first time.‡ This young French noble had been greatly aroused by the story of the gallant fight made by the Americans against British oppression, and though he had only recently been married, signified his desire to aid the Americans in their contest. The French minis-

* Trevelyan, *American Revolution*, vol. iv., p. 211.

† Shortly before this time Charles Lee, then a prisoner in New York, began an intrigue with the Howes for the purpose of ingratiating himself and obtaining his liberty. He drew up a plan of operations (dated March 29, 1777) for a summer campaign against the American army and in every way endeavored to give the British generals such information as they could use to their profit. See Fiske, *American Revolution*, vol. i., pp. 299-308. Carrington (*Battles of the Revolution*, pp. 410-411) gives extracts from Lee's letter to the Howes. See also George H. Moore, *Treason of Charles Lee*, *New York Historical Society Collections*, vol. iv. (1874); Fisher, *Struggle for American Independence*, vol. i., p. 544, vol. ii., p. 75; Johnson, *General Washington*, pp. 148-149, and App. A., pp. 325-330.

‡ His full name was Marie Jean Paul Yves Roch Gilbert Motier, Marquis de Lafayette (often spelled La Fayette).

* Trevelyan, *American Revolution*, vol. iv., pp. 60-64; Hildreth, vol. iii., pp. 190-191; Carrington, *Battles of the Revolution*, pp. 298-301; Fisher, *Struggle for American Independence*, vol. ii., pp. 11-13; F. V. Greene, *Life of Greene*, pp. 77-78; Brooks, *Life of Knox*, pp. 97-101; Sparks, *Life of Washington*, pp. 227-228.

† See the various notes regarding this in Ford's ed. of *Washington's Writings*, vol. v., pp. 435-455; Gordon, *American Revolution*, vol. ii., pp. 469-474 (ed. 1788); Drake, *Life of Knox*, p. 44; Stedman, *American War*, vol. i., p. 238; Graham, *Life of Morgan*, p. 124.

try, however, fearing international complications if the expedition should leave the shores of France, absolutely forbade him to fit out a vessel for this purpose in France. But Lafayette was not to be turned from his purpose, and having secretly fitted out a vessel and persuaded a number of his friends to accompany him to America, he embarked, reaching the shores of America in safety, and subsequently presenting his credentials to the Committee of Foreign Affairs.* At this time, however, there were a large number of applications from foreign officers for employment in the American army, and as Congress could not give them the positions they desired without creating jealousy and dissatisfaction among the American officers, Lafayette in company with the others found it almost impossible to secure the coveted positions. The failure to receive high rank, however, did not discourage Lafayette, and he immediately offered his service as a volunteer without pay, whereupon his request for service was granted and he received the rank of major-general.†

* On his early life and his adventures before he succeeded in reaching America see Charlemagne Tower, Jr., *The Marquis de La Fayette in the American Revolution*, vol. i., chap. i.

† Sparks, *Life of Washington*, p. 231. The language of Congress, July 31st 1777, was:—

“Whereas, the Marquis de Lafayette, out of his great zeal to the cause of liberty, in which the United States are engaged, has left his family and connections, and, at his own expense, come over to offer his services to the United States without pension, or particular allowance, and is anxious to risk his life in our cause:

“Resolved, That his service be accepted, and

At this time he was not yet 20 years of age, but Lafayette's personality and the romantic manner in which he came to America immediately predisposed Washington in his favor, and the attachment which sprang up between the two continued throughout their lifetime. Washington requested Lafayette to consider headquarters as his home, a privilege of which Lafayette immediately availed himself.* At the same time there were a number of other foreign officers in America who had come to aid the patriotic cause, among them being Thaddeus Kosciusko, Casimir Pulaski, Johann De Kalb, Steuben.† All rendered valuable services in the American cause.

Meanwhile, Washington had been receiving all manner of contradictory reports as to the course taken by Howe's fleet, one report stating that he had returned to the Hudson, another stating that he was now entering the Delaware, while still another imparted the information that he had taken a southerly course toward Charleston. Finally, late in August, it was ascertained that the fleet had

that, in consideration of his zeal, illustrious family and connections, he have the rank and commission of major-general in the army of the United States.”—*Journals of Congress*, vol. iii., p. 303. See also Lafayette's letter of thanks to Hancock, in Tower, *Marquis de La Fayette*, vol. i., pp. 184-185.

* Tower, *Marquis de La Fayette*, vol. i., pp. 214-215; Sparks' ed. of *Washington's Writings*, vol. v., p. 454; Irving, *Life of Washington*, vol. iii., pp. 152-153.

† Whose full name was Friedrich Wilhelm August Heinrich Ferdinand, Baron von Steuben.

FOREIGN OFFICERS IN THE REVOLUTION.



1. LAFAYETTE.
3. STEUBEN.
5. PULASKI.

2. ROCHAMBEAU.
4. DEKALB.
6. KOSCIUSKO.

entered the Chesapeake (Howe's officers having persuaded him not to disembark in the Delaware*) and that the troops were being landed at the head of the Elk River, from which point it was Howe's intention to make a direct descent upon Philadelphia.† The place of debarkation was but a few days' march from Philadelphia, and the country was fairly good for a rapid advance; there were no large rivers to cross, and no strong position which the opposing American army could take to dispute Howe's progress. Shortly after he had landed, Howe issued a proclamation promising to pardon and protect all those who would submit to British authority;‡ but even those who were most disposed to heed this warning, as well as those who were lukewarm in their attachment to the American cause, preferred to await the outcome of the campaign before deciding to which cause they would ultimately adhere.

Washington was too well versed in military strategy and science not to understand that much depended upon the manner in which this campaign was conducted. As his troops consisted chiefly of raw and undisciplined men, he realized that it would be

better to avoid a general engagement with the veterans under Howe, but fearing the adverse effect upon the minds of the great body of the people if Philadelphia should fall, he determined to obstruct Howe's progress as much as possible and defeat his plan for the capture of that city. Accordingly, he marched to meet the British commander and disposed his troops so as to be better able to defeat the army under Howe. Howe had suffered from a lack of horses, because a large number of those he carried had perished on the voyage, and consequently his progress from the head of the Elk was delayed until September 3. "Two years," said he, "have we maintained the war and struggled with difficulties innumerable, but the prospect has brightened. Now is the time to reap the fruits of all our toils and dangers; if we behave like men, this third campaign will be our last."* As the royal army advanced, Washington retreated across the Brandywine, a small stream which flows into the Delaware at Wilmington. Washington supposed that the British would attempt a passage at Chad's (or Chadd's) Ford, and with his main army he took post opposite this ford.† Ordering General Sullivan with a detachment to watch the fords above, in order to harass the British and retard their progress as

* Fortescue, *The British Army*, vol. iii., p. 212; Carrington, *Battles of the Revolution*, pp. 363-365.

† On the manœuvres of the fleet, see Fisher, *Struggle for American Independence*, vol. ii., pp. 17-19. See also Trevelyan, *American Revolution*, vol. iv., pp. 213-214; Brooks, *Life of Knox*, p. 103; Lodge, *George Washington*, vol. i., pp. 189-191.

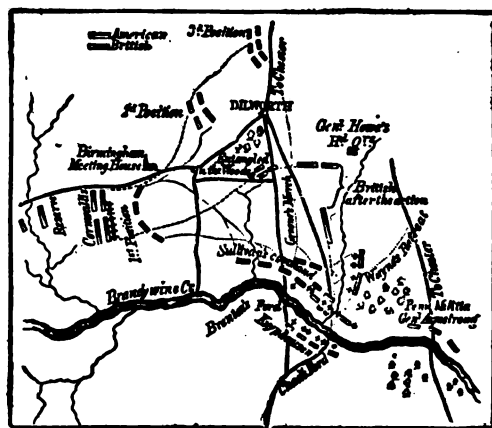
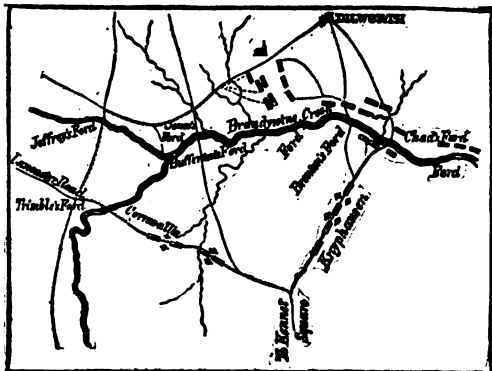
‡ Irving, *Life of Washington*, vol. iii., pp. 206-207.

* *Ibid.*, p. 212.

† Carrington, *Battles of the Revolution*, p. 367; Tower, *Marquis de La Fayette*, vol. i., pp. 222-223; Sparks' ed. of *Washington's Writings*, vol. v., pp. 55-56.

much as possible, he sent General Maxwell, with about 1,000 light troops, to occupy the other side of the Brandywine.* The formation of the American army was as follows: The right wing was commanded by General Sullivan with six brigades, including those of Lord Stirling and General Stephen; the extreme left was guarded by John Armstrong with the Pennsylvania militia; Wayne's division with Thomas Proctor's artillery guarded the ford; and

advanced to the attack, the right under command of General Knyphausen marching straight to Chad's Ford, and the left under Lord Cornwallis, accompanied by Generals Howe, Sir Charles Grey, Grant and James Agnew, endeavoring to turn the right of the Americans and to gain their rear by making a circuit toward a point named the Forks, where the two branches of the Brandywine unite. Knyphausen's column soon came in conflict with the light troops



The Battle of Brandywine.

Greene's division, consisting of George Weedon's and Peter Muhlenberg's brigades, accompanied by Washington, formed a reserve and took a position in the centre between the right and left wings.†

Early on the morning of September 11, the British army in two columns

under General Maxwell, and by reinforcing his advance Knyphausen succeeded in driving the Americans across the river, where they sheltered themselves under their batteries on the north bank. Knyphausen then brought up his artillery which was placed in the most advantageous points, and a sharp artillery duel was carried on between the two forces.*

* Fisher, *Struggle for American Independence*, vol. ii., p. 23; Trevelyan, *American Revolution*, vol. iv., p. 226; Tower, *Marquis de La Fayette*, vol. i., p. 224.

† Tower, *Marquis de La Fayette*, vol. i., p. 225; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 169-170.

* Carrington, *Battles of the Revolution*, pp. 369-370; Lowell, *Hessians in the Revolution*, pp. 197-198; Lossing, pp. 171-173; Sparks, *Life of Washington*, p. 233.

Meanwhile the British left wing under Cornwallis crossed the Ford above the Forks. The information given to Washington regarding this movement seems to have been very conflicting, coming as it did from several different quarters and through unpracticed scouts. Consequently, his movements were much embarrassed.* Having passed the fords, Lord Cornwallis took the road toward Dilworth, which led him to the American right.† General Sullivan, who had been appointed to command the troops in that quarter, occupied the heights above Birmingham church, his right flank covered by the woods and his left flank extending to Brandywine, the artillery being placed at advantageous points. Lord Cornwallis formed his troops in battle order about 4 o'clock in the afternoon, and shortly afterward began the attack. The resistance was intrepidly sustained by the Americans for some time, but at length they were compelled to give away.‡ Upon hearing the firing from that quarter, Washington ordered General Greene, with the brigades under Weedon and Muhlenberg, to support Sullivan. Greene covered the four miles in about 42 minutes, but upon reaching the scene of battle found Sullivan's division completely

defeated and in full flight. Greene covered the retreat and shortly afterward, finding an advantageous position, he renewed the battle and put a stop to the progress of the enemy.* As soon as Knyphausen was informed that Cornwallis' division was in action, he immediately forced a passage at Chad's Ford, attacked Wayne's troops opposite him, and drove them into headlong flight.† Consequently, as both divisions of the army had been decisively defeated, Washington, with such of the troops as he had been able to keep together, retired with his artillery to Chester. There a halt was made within eight miles of the British army until the next morning, when the retreat was continued to Philadelphia. The British troops were so exhausted from fighting that they did not continue the pursuit during the night, which fact probably saved the American army from total annihilation.‡

The losses on the American side in this battle were severe, amounting to 300 killed, 600 wounded, and about 400 captured by the British. The British loss is supposed to have been much less, probably not exceeding 600

* Irving, *Life of Washington*, vol. iii., pp. 215-216; Trevelyan, *American Revolution*, vol. iv., p. 228; Lodge, *George Washington*, vol. i., p. 192; Tower, *Marquis de La Fayette*, vol. i., pp. 226-228; Lossing, pp. 173-174.

† Tower, *Marquis de La Fayette*, vol. i., p. 226.

‡ Lossing, *Field-Book of the Revolution*, vol. ii., pp. 175-176.

* Sparks' ed. of *Washington's Writings*, vol. v., pp. 56-59; F. V. Greene, *Life of Greene*, pp. 80-83; Fiske, *American Revolution*, vol. i., pp. 312-316; Knox, *Life of Knox*, pp. 104, 267-269; Stillé, *Wayne and the Pennsylvania Line*, pp. 77-80; Tower, *Marquis de Lafayette*, vol. i., pp. 220-231.

† Trevelyan, *American Revolution*, vol. iv., pp. 230-231.

‡ Baneroff, vol. v., pp. 174-179; Carrington, *Battles of the Revolution*, pp. 370-381; Lowell, *Hessians in the Revolution*, p. 199; Irving, *Life of Washington*, vol. iii., pp. 220-222.

killed and wounded. Among the Americans wounded was Lafayette, who received a bullet in the leg, from which he was laid up for several months.† The troops under Count Pulaski displayed great bravery in this action, and for meritorious conduct on the field of battle Pulaski was raised to the rank of brigadier-general in command of the cavalry. Subsequently an investigation of General Sullivan's conduct was made, but he was exonerated from any blame connected with the retreat.‡

After allowing his army a day of complete rest, Washington recrossed the Schuylkill and proceeded by the Lancaster Road with the full intention of meeting and engaging the British army. The night after the battle of Brandywine, Sir William Howe encamped his army on the field of the conflict, and on the two succeeding days marched by easy stages toward Chester, also occupying Wilmington, to which place the sick and wounded were carried. On the 15th, in an effort to gain the left of the British, the American army reached the

Warren Tavern on the Lancaster Road, about twenty-three miles from Philadelphia. Early the next morning Washington was apprized that the British were approaching in two columns, and therefore determined to hasten his march and to engage Howe in front.* Both armies made hasty preparations for the battle, and the advance guards had even begun to skirmish when a terrific thunder storm arose which absolutely prevented fighting by either army except with the bayonet. The gunlocks were not well secured and the muskets soon became unfit for use; in addition the cartridge boxes had not been well made so as to protect the ammunition, and more than 400,000 were ruined. The American soldiers were without bayonets, and as the British were well equipped with these instruments and well trained in their use, Washington perceived that they possessed a great superiority over his army, and that a retreat was absolutely necessary.† The attempt to engage the British army was therefore abandoned, the retreat continuing all day and a greater part of the night, in the midst of a heavy downpour and over very poor roads.‡ One of Washington's

* Gordon, *American Revolution*, vol. ii., p. 509 (ed. 1788); Greene, *Life of Greene*, vol. i., p. 447; Drake, *Life of Knox*, p. 48; Reed, *Life of Joseph Reed*, vol. i., pp. 305-307; Ford's ed. of Washington's Writings, vol. vi., p. 71; Trevelyan, *American Revolution*, vol. iv., p. 232; Sparks, *Life of Washington*, p. 235.

† Tower, *Marquis de La Fayette*, vol. i., pp. 232-233.

‡ Hildreth, vol. iii., pp. 218-219; *American Historical Magazine* (December, 1866); *Proceedings of the Massachusetts Historical Society* (1866-1867). See also W. D. Stone, *The Battle of Brandywine* (1895).

* Fisher, *Struggle for American Independence*, vol. ii., pp. 30-31. See also Washington's letter in Sparks, *Life of Washington*, pp. 237-238.

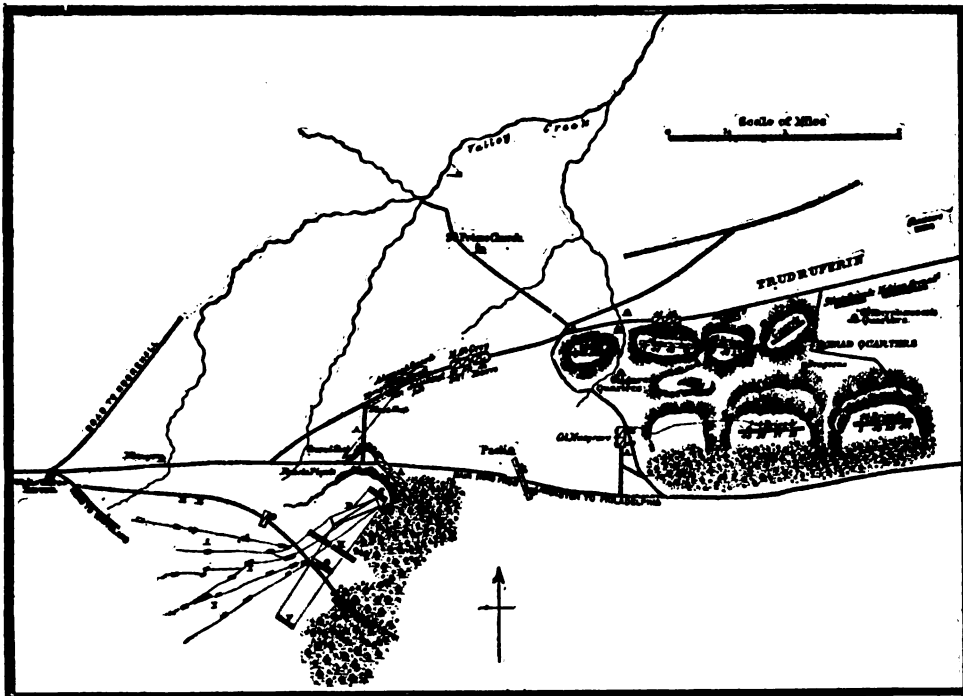
† Lodge, *George Washington*, vol. i., p. 193. See also Knox's letter of September 24 to his wife, in Brooks, *Life of Knox*, p. 105; Kalb's letter of September 24, 1777, quoted in Fredrich Kapp, *Life of John Kalb*, p. 125.

‡ Bancroft, vol. v., p. 180; Carrington, *Battles of the Revolution*, p. 383; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 179-180.

officers writes: "The hot-headed politicians will no doubt censure this part of his conduct, while the more judicious will approve it, as not only expedient, but in such a case highly commendable. It was, without doubt, chagrining to a person of his fine feelings to retreat before an enemy not

munition, it was ascertained that there was scarcely a musket that could be discharged and hardly one cartridge that was fit for use.* The army then retired to Warwick Furnace, on the south branch of the French Creek, where a supply of muskets and ammunition could be obtained in suffi-

Battle near White Horse Tavern, September 20, 1777.



AAAA. March of Grey's Detachment in two columns to attack the Americans (B). C. Light infantry attacking Americans in flank. D. Light infantry pursuing American artillery (EE.) which was carried off on first alarm. F. Light infantry after routing Americans. G. 44th regiment supporting light infantry. H. 42d regiment in reserve. IIII. Americans in disorderly retreat. The two regiments under Colonel Musgrave were not engaged.

more in number than himself; yet, with a true greatness of spirit, he sacrificed them to the good of his country."* Early the next morning a halt was made at Yellow Springs, and upon examining the muskets and am-

munition, it was ascertained that there was scarcely a musket that could be discharged and hardly one cartridge that was fit for use.* The army then retired to Warwick Furnace, on the south branch of the French Creek, where a supply of muskets and ammunition could be obtained in suffi-

cient time to dispute the passage of the Schuylkill River. At Paoli Inn, in the vicinity of White Horse Tavern, a detachment of 1,500 troops, under General Wayne,

* Josiah Quincy, *Memoir of Major Samuel Shaw*, quoted by Irving, *Life of Washington*, vol. iii, p. 227.

* G. W. Greene, *Life of Greene*, vol. i., p. 461; F. V. Greene, *Life of Greene*, p. 84; Ford's ed. of *Washington's Writings*, vol. vi., pp. 77, 81, 83; Gordon, *American Revolution*, vol. ii., p. 515 (ed. 1788).

had been stationed in the woods on the left of the British army for the purpose of harassing the latter as much as possible. Upon learning of this, Howe dispatched General Grey on the night of September 20, with a sufficient body of troops completely to overwhelm Wayne. Grey was almost successful in the task assigned him, but Wayne had been warned of the attack and was prepared for it. His troops resisted bravely and he was able to save his artillery and stores. The British finally conquered, however, killing or wounding about 300 men and taking nearly 100 prisoners. The British loss amounted to only 4 killed and 4 wounded.* Wayne was sharply censured for his apparent neglect in allowing the British to surprise him, and he demanded a court-martial to determine his responsibility, but he was acquitted with honor.†

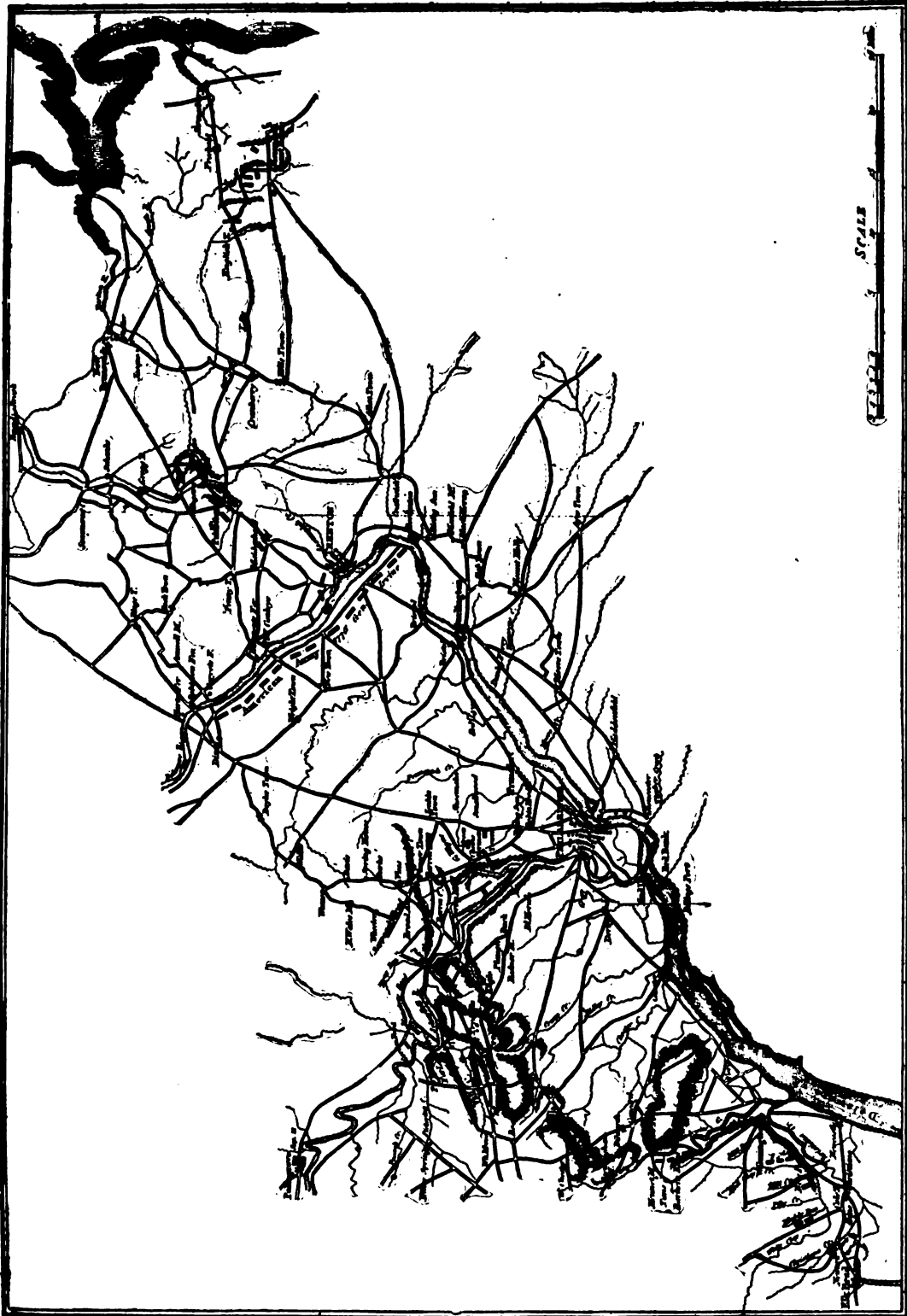
The result of the campaign thus far had been all in favor of the British, and it was seen, unless some notable event should occur, that Philadelphia would soon be in the possession of the British. Congress therefore determined to move from the city to a place of safety as soon as it should become absolutely necessary. The magazines and public stores were removed, but the members

themselves continued to hold their sittings in the city and to maintain their authority until the very last moment. They did not, however, lose confidence in Washington's ability, but gave him still greater authority. He had been invested with power to seize whatever provisions were necessary for the maintenance of the troops, paying for such provisions in public certificates. He was also empowered to try by court-martial, and immediately upon conviction to execute such persons as should assist the British in any way or furnish them with provisions, arms, and stores. The citizens of Philadelphia were levied upon for blankets, shoes, and clothing, before the British captured the city. These measures were considered an absolute necessity in the face of an advancing British army, and with the knowledge that there was a large body of sympathizing Tories or lukewarm neutrals in the vicinity.* To Alexander Hamilton, at this time a lieutenant-colonel, was entrusted the work of carrying out the terms of these provisions, and he executed the task with energy, judgment and with a great measure of success. On September 18, the British now being very near Philadelphia, Congress decided it most prudent to abandon the city. They first went to Lancaster and later to Yorktown, where they continued to transact business for the

* Carrington, p. 383; Stillé, *Wayne and the Pennsylvania Line*, pp. 82-91; Reed, *Life of Joseph Reed*, vol. i., pp. 312-313; Trevelyan, *American Revolution*, vol. iv., pp. 232-234; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 163-164.

† Irving, *Life of Washington*, vol. iii., pp. 229-230.

* Hildreth, vol. iii., pp. 220-221.



Map of the Country from the Raritan River in East Jersey to Elk Head in Maryland, showing the various operations of the American and British Armies in 1776 and 1777.

next eight months, when Howe finally evacuated Philadelphia.*

On September 22-23, contrary to Washington's expectations, Howe crossed the Schuylkill at Fatland and Gordon's Ford.† The main body of the army was placed in camp at Germantown, about seven miles from Philadelphia, and on the 26th a detachment of British troops took possession of Philadelphia, where shortly afterward Howe himself was received by the Quakers with great manifestations of joy.‡ Upon receiving information of the success of his brother at the battle of Brandywine, Lord Howe left the Chesapeake and sailed for the Delaware where he arrived on October 8.

Immediately upon securing possession of Philadelphia, Sir William Howe instituted measures to clear the river of obstructions, fortifications, etc., in order to open up the river for a clear passage by the fleet. As before stated, the Americans made every effort to obstruct the navigation of the Delaware, having sunk three rows of chevaux-de-frise a little below the confluence of the Schuylkill and the Delaware. These obstructions consisted of large beams of timber bolted together with strong projecting iron spikes. The upper and lower rows were commanded by fortifica-

tions on the banks and the islands of the river and by floating batteries.

Washington was now encamped at Skippack Creek on the north side of the Schuylkill, and when he received information that the British had detached small bodies of troops to clear the river, he perceived that, as the British main army was thus considerably weakened, it was an opportune time to make an attack upon the forces at Germantown.* This place consisted of one street about two miles long; the line of the British encampment bisected the village almost at right angles with its left covered by the Schuylkill. "It was arranged that the divisions of Sullivan and Wayne, flanked by [Thomas] Conway's brigade were to enter the town by the way of Chestnut Hill, while General [John] Armstrong,† with the Pennsylvania militia, should fall down the Manatawny road by Van Deering's mill and get upon the enemy's left and rear. The divisions of Greene and Stephen, flanked by [Alexander] McDougall's brigade, were to enter by making a circuit by way of the Limekiln road, at the market house, and to attack the enemy's right wing; and the Maryland and Jersey militia under Generals [William] Smallwood and Forman, were

* Trevelyan, *American Revolution*, vol. iv., pp. 235-236.

† Drake, *Life of Knox*, p. 50; Ford's ed. of *Washington's Writings*, vol. vi., pp. 82-84.

‡ Trevelyan, *American Revolution*, vol. iv., pp. 236-237.

* See the "Plan" in the *Pennsylvania Magazine of History*, vol. xxvi., p. 387. See also Stillé, *Wayne and the Pennsylvania Line*, p. 93 *et seq.*

† The hero of several expeditions during the French and Indian Wars and father of Major John Armstrong, author of the "Newburg Addresses."

to march by the old York road and fall upon the rear of their right. Lord Stirling, with the brigades of [Francis] Nash and Maxwell, were to form a reserve corps." * On the evening of October 3, having been reinforced by 1,500 troops from Peekskill and 1,000 Virginia militia, Washington marched from Skippack Creek and at dawn of the next morning attacked the British army. After a short skirmish the advance guard of the British was driven in, and with his army in five columns Washington began the onslaught. Lieutenant-Colonel Musgrave of the 40th regiment, however, who had been driven in but had been able to keep five companies of the regiment intact, now threw his forces into the large stone dwelling house of Benjamin Chew, chief justice of Pennsylvania, which stood in front of the main column of the Americans. Instead of leaving a small detachment to coop up the British in the Chew house, almost half of Washington's army was detained in an attempt to kill or capture this force.† Instead of advancing with the main body and masking Chew's house with a sufficient force, Knox ordered the house to be attacked. The British obstinately defended themselves, so that, according to Brooks, an unfortunate delay occurred.‡ The critical moment of the

entire action was thereby lost in a fruitless attempt to take the house, for while the Americans were wasting time with this little detachment the whole British army was preparing for battle.

Meanwhile Greene attacked the right wing, routed the battalion of light infantry and the Queen's Rangers, then turned to the right and fell upon the left flank of the enemy's right wing in an attempt to enter the village, thinking that the Pennsylvania militia under Armstrong and the Maryland and New Jersey militia under Smallwood and Forman, would aid him as ordered by attacking the British posts opposed to them. But Armstrong's detachment failed to attack and the troops under Smallwood and Forman arrived too late to be of service. The British general, Grey, finding his left flank secure, now threw the whole of the left wing under Knyphausen to the assistance of the centre, then hard pressed in the village where the Americans were gaining ground. Colonel Thomas Matthews, with a detachment of Greene's column consisting of a part of Muhlenberg's and Charles Scott's brigades from the left wing, advanced to the eastward of Chew's house, took 110 British prisoners and drove the remainder into the town. A thick fog now completely enveloped everything, and neither of the contending parties was able to discern the movements of

* Lossing, *Field-Book of the Revolution*, vol. ii., pp. 109-110. See also Johnson, *General Washington*, p. 168.

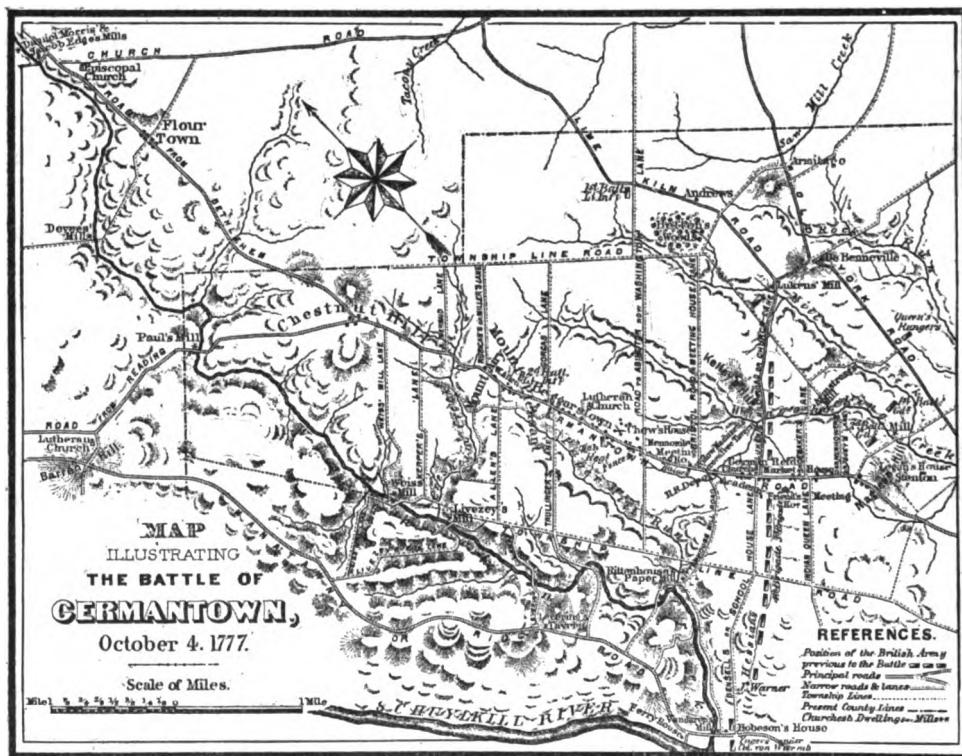
† Trevelyan, *American Revolution*, vol. iv., pp. 241-244.

‡ Brooks, *Life of Knox*, p. 108 *et seq.* See,

however, Reed, *Life of John Reed*, vol. i., p. 322; Lee's *Memoirs*, vol. i., p. 29.

the other. Under cover of the fog, the right wing of the enemy, consisting of the 4th brigade under Agnew and three battalions of the 3d, having discovered that they had nothing to fear from the Jersey and Maryland militia, fell back and completely surrounded Matthews, and, after a desperate struggle, succeeded in captur-

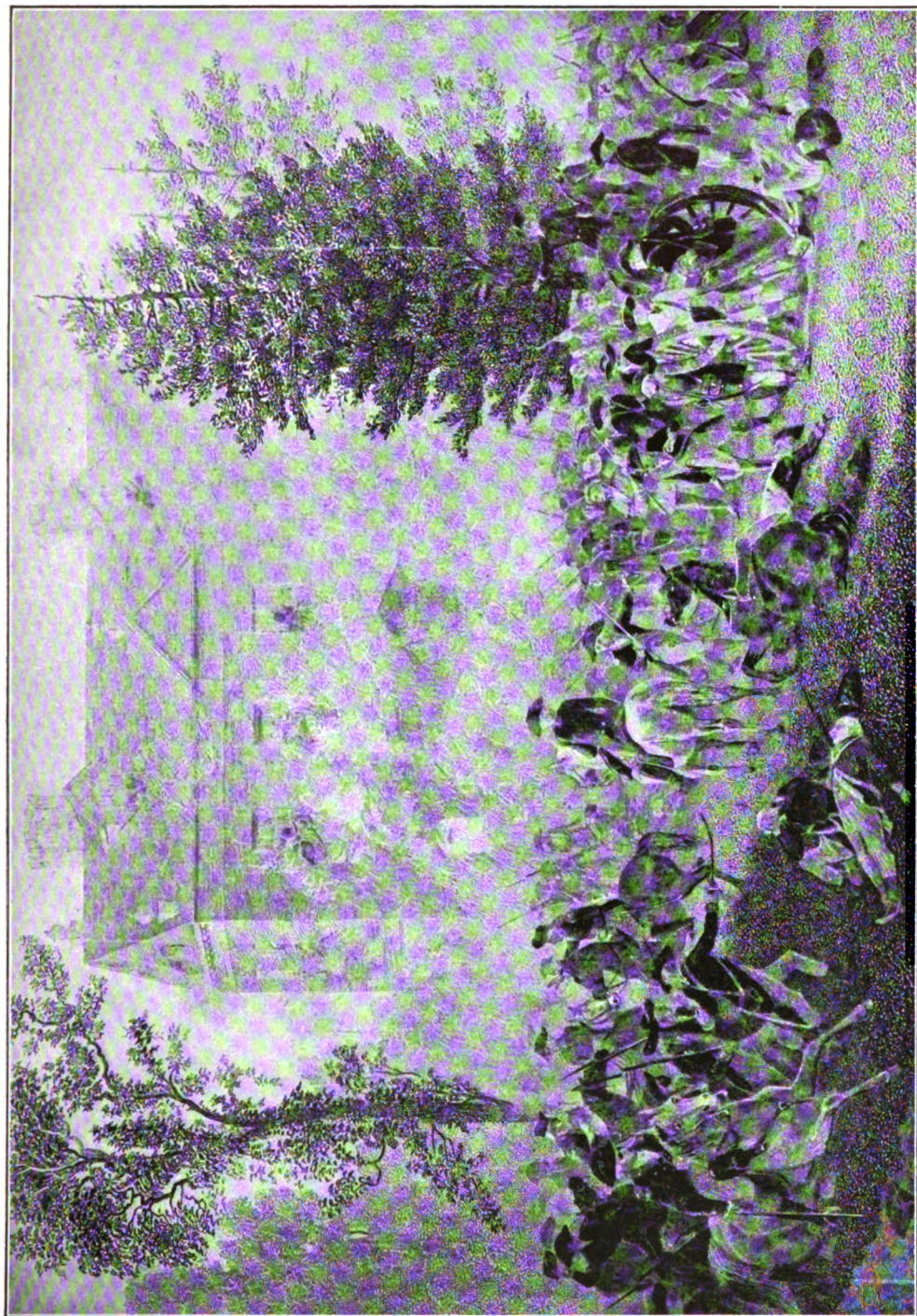
wing then engaged with the left of Greene's column, and finally compelled Greene to retreat. The divisions under Greene and Stephen were the last that retreated and were covered by Pulaski and his legion. As Lossing says: "The prize of victory was abandoned at the moment when another effort might



ing him and about 100 men. This done, two regiments of Agnew's division went to the relief of Musgrave in Chew's house, compelling a party of Americans, who had entered Germantown in flank, to retreat precipitately, leaving many dead and wounded. The village was now in control of the British, and Grey hastened to the assistance of the right

have secured it."* Almost without exception, the American soldiers had acted with great valor and bravery and Congress passed a resolution of thanks, but General Stephen was accused of "unofficerlike conduct," was found guilty of being intoxicated and was dismissed from the army,

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 112.



THE BATTLE OF GERMANTOWN — ATTACK ON JUDGE CHEW'S HOUSE.

Lafayette subsequently being assigned to the command of Stephen's division.* In this engagement the American army lost 673 killed and wounded and about 400 taken prisoners, while the British loss was 535 killed and wounded, among the slain being General Agnew and Colonel Bird.† Among the Americans killed was General Nash of North Carolina. After the battle, Washington returned to his encampment at Skip-pack Creek.‡

* See the accounts of the battle by C. Lambdin in *Pennsylvania Magazine of History*, vol. i., pp. 368-403, also vol. ii., p. 112 *et seq.*, vol. xvi., p. 197 *et seq.*; Stillé, *Wayne and the Pennsylvania Line*, pp. 94-98; Gordon, *American Revolution*, vol. ii., pp. 521-527 (ed. 1788); Fiske, *American Revolution*, vol. i., pp. 318-322; G. W. Greene, *Life of Greene*, vol. i., pp. 472-481; Johnson, *Life of Greene*, vol. i., p. 83; F. V. Greene, *Life of Greene*, p. 85 *et seq.*; Hildreth, *History of the United States*, vol. iii., pp. 222-224; Lowell, *Hessians in the Revolution*, pp. 201-203; Ford's ed. of *Washington's Writings*, vol. vi., pp. 93-100, 113, 126-127; Irving, *Life of Washington*, vol. iii., pp. 297-305; Bancroft, vol. v., pp. 192-195; Reed, *Life of Joseph Reed*, vol. i., pp. 319-323; Lee's *Memoirs*, vol. i., pp. 27-30; Thacher, *Military Journal*, pp. 117-118; Sparks, *Life of Washington*, p. 238 *et seq.*; Stedman, *American War*, vol. i., p. 299; Fisher, *Struggle for American Independence*, vol. ii., pp. 37-41.

† Carrington, *Battles of the Revolution*, pp. 390-391; Lossing, *Field-Book of the Revolution*, vol. ii., p. 112.

‡ Mr. Sparks, in recording this battle, speaks of the good effect of it upon the views of the Count de Vergennes, who remarked to the American commissioners in Paris, "That nothing struck him so much as General Washington's attacking and giving battle to General Howe's army; that to bring an army, raised within a year, to this, promised every thing."—*Life of Washington*, p. 241. From this, as well as from other occurrences, it was evident that the French government narrowly scanned the military movements of Washington, and also, that his being the commander-

While the British had been successful in this battle, their position was by no means comfortable, for it was certain that they could not maintain themselves for any great length of time in Philadelphia, unless the Delaware were opened and free communication established between the fleet and the army.* As a large part of the inhabitants of the surrounding country were favorable to the British cause, Washington sent out foraging parties and other detachments of troops to prevent the British from securing the necessary supplies from the adjacent territory, thus compelling the British to procure their supplies from the fleet or go without. Howe therefore determined to proceed with all despatch against the fortifications on the Delaware. The under line of chevaux-de-frise was protected by a work named Fort Mifflin, situated on Mud Island, a marshy island near the Pennsylvania bank of the river. On the Jersey side, at Redbank, was a redoubt known as Fort Mercer. A short distance below Mud Island and nearly in a line with it was Hog Island, and between this and the Pennsylvania bank of the river was a narrow channel of sufficient depth to admit ships of moderate draught.† If Howe

in-chief had an important bearing upon their final decision to give aid to the American cause.

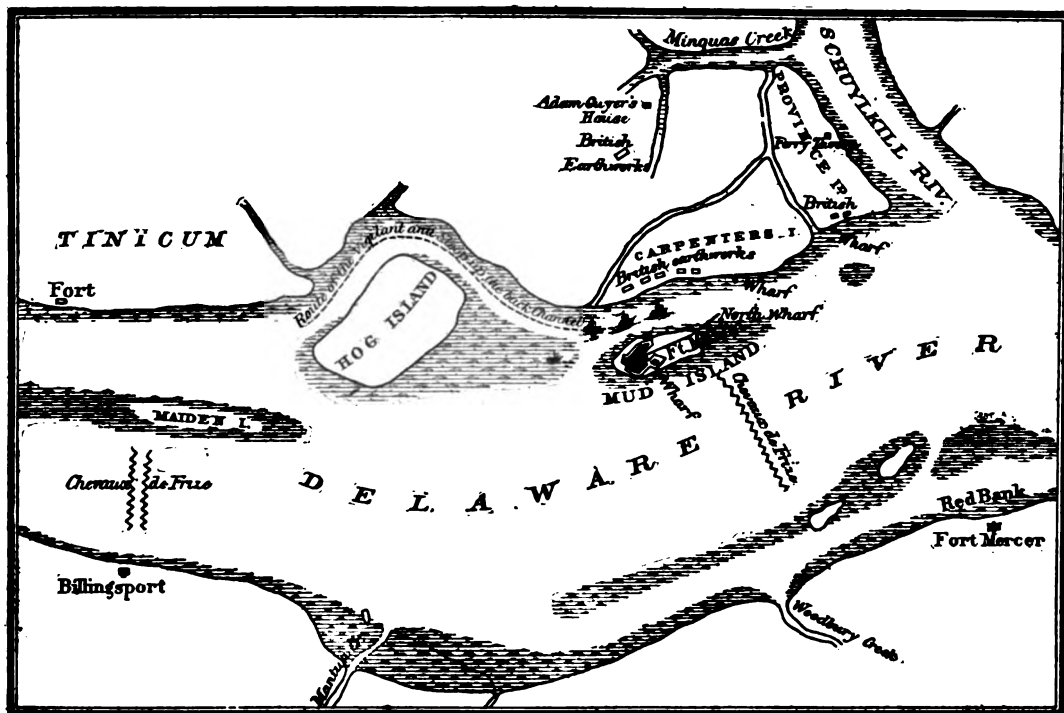
* See Worthington C. Ford, *The Defence of Philadelphia*, in *Pennsylvania Magazine of History* (October, 1895, to January, 1897).

† On the obstructions placed in the river, see Fisher, *Struggle for American Independence*, vol.

wished to continue long at Philadelphia, it was therefore necessary that Forts Mifflin and Mercer be reduced.*

On October 19, therefore, so that he might be able to more conveniently assist in these operations, Howe withdrew his army from Ger-

reduce Fort Mercer.* Crossing the Delaware at Philadelphia on the night of October 21, Donop with his detachment advanced to the attack. Upon approaching the fort, he summoned the commander to surrender with the threat that "if they stood



mantown and stationed it in the vicinity of Philadelphia. He then sent Count Donop, with 2,000 Hessians, to

ii., pp. 42-43; Lossing, *Field-Book of the Revolution*, vol. ii., p. 86.

* Trevelyan, *American Revolution*, vol. iv., p. 252. In his instructions to Christopher Greene, Washington said: "The post with which you are entrusted is of the utmost importance to America. The whole defence of the Delaware depends upon it; and consequently, all the enemy's hopes of keeping Philadelphia, and finally succeeding in the present campaign."—Irving, *Life of Washington*, vol. iii., p. 310.

battle no quarter whatever would be given."† Colonel Christopher Greene, of Rhode Island, who commanded the troops in the redoubt, answered that he would defend the post to the best of his ability. Donop then ordered the assault to begin, he himself leading the troops in the face

* Regarding the numbers, see the note in Trevelyan, p. 256.

† Trevelyan, p. 257; Lossing, vol. ii., p. 87.

of a close fire from the fort and from the American war vessels and floating batteries on the river. He succeeded in capturing an extensive and unfinished outwork, but was unable to make any impression on the redoubt. The count himself now fell mortally wounded; shortly afterward the second officer in command was disabled; and, after suffering a severe loss, the British beat a hasty retreat under a fire similar to that which had met them in their advance. Count Donop was captured and soon died of his wounds. The British loss was about 400, but the American loss was only 8 killed and 29 wounded.*

The British fleet had also participated in the attack, and was equally unfortunate. Through an opening in the lower line of chevaux-de-frise the *Augusta*, *Roebuck*, *Liverpool*, *Pearl*, and *Merlin* had succeeded in passing, and with the flowing tide moved up the river. But the obstructions in the river had altered the course of the channel and raised up sand banks where none had previously existed. Unaware of this, the *Merlin* and *Augusta* grounded a short distance below the second row of chevaux-de-frise, and every effort made to free them resulted in failure. In

the morning the Americans perceived the precarious situation of the British ships and began to fire on them, also sending fire ships against them. The *Augusta* caught fire but the crew after the greatest difficulty succeeded in escaping, though some of the officers and men perished in the flames. The *Merlin* was abandoned and destroyed.*

Howe, nevertheless, did not abandon his effort to reduce the forts. On the Pennsylvania bank opposite Mud Island, he ordered batteries to be erected, but because of the marshy ground and the difficulty in transporting heavy artillery through the swamps, it was a long time before the batteries were in working order. Province Island was also occupied by the British and other works erected upon it.† On November 15 everything was ready for the attack upon Fort Mifflin. Three British ships, the *Isis*, *Somerset*, and *Roebuck*, went up the main channel as far as the second line of chevaux-de-frise and stationed themselves in front of the fort. The *Vigilant*, an armed ship, and a hulk, both mounted with heavy cannon, were sent up the strait between Hog and Province Islands and the Pennsylvania bank, stationing themselves

* Lowell, *Hessians in the Revolution*, pp. 203-208; Bancroft, vol. v., pp. 195-197; Thacher, *Military Journal*, p. 118; Carrington, *Battles of the Revolution*, pp. 393-395; Fisher, *Struggle for American Independence*, vol. ii., pp. 46-47; Ward's letter in Sparks' ed. of Washington's *Writings*, vol. v., p. 112; Heath's *Memoirs*, pp. 127-128 (Abbatt's ed.); Lossing, *Field-Book of the Revolution*, vol. ii., pp. 87-88.

* See Commodore Hazelwood's letter in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 12-13; Heath's letter of October 25, in *ibid*, vol. ii., pp. 18-20; Washington's letter of November 13 to Patrick Henry, in Henry, *Life of Patrick Henry*, vol. iii., p. 118.

† Lossing, *Field-Book of the Revolution*, vol. ii., p. 90.

so as to be able to sweep the weakest part of the fortification. At this time the garrison at Fort Mifflin consisted of not more than 300 men, under command of Colonel Samuel Smith. They had put forth every exertion to retard the operations of the British fleet and army against them; and when the British finally succeeded in completing their works, the little garrison still kept up its courage and determined to defend themselves as best they could. The British batteries and ships now opened a terrific cannonade against the fort, which was answered by the fort, the works on the Jersey banks, and the galleys and floating batteries on the river. At the end of the day, the fort was almost demolished and many of the guns had been dismounted. Finding their position untenable, therefore, the garrison retired during the night.* Two days after, Lord Cornwallis marched against Fort Mercer at Redbank, but the garrison having evacuated the fort some time previously, he occupied it without opposition.† Being now unprotected

by land batteries, the American shipping retired up the river. By keeping close to the Jersey side, a few of the ships were able to pass the batteries at Philadelphia and thereby escape, but the rest were set on fire and abandoned.* The ships that escaped at this time were shortly afterward destroyed. Thus the British succeeded in opening navigation on the Delaware and in establishing free communication between the fleet and the army.

After receiving reinforcements from the northern army,† Washington left his encampment at Skippack Creek and took up a position at White Marsh, twelve miles from Philadelphia and nearer the British.‡ In front was a valley and a rivulet, while his right was protected by an abattis, or a fence of trees cut down with their branches sharpened and pointed outward. Believing that, because of his reinforcements, Washington would hazard a battle to retake the capital of Pennsylvania, Howe, on the evening of December 4, marched from Philadelphia and on the next morning took a position on Chestnut Hill in front of the right

* Carrington, *Battles of the Revolution*, p. 395; Trevelyan, *American Revolution*, vol. iv., pp. 262-265; Fisher, *Struggle for American Independence*, vol. ii., pp. 47-50; Lossing, pp. 91-93. See also Smith's reports in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 7-8.

† Bancroft, vol. v., pp. 198-199; Fisher, *Struggle for American Independence*, vol. ii., p. 58; Lossing, *Field-Book of the Revolution*, vol. ii., p. 93. See also Reed, *Life of Joseph Reed*, vol. i., pp. 335-341; Stedman, *American War*, vol. i., p. 301; Ford's ed. of *Washington's Writings*, vol. vi., pp. 131, 137, 143-148, 157-159, 168-169, 176-177, 187-188, 190-206, 217-218, 220, 224, 227-228, 373-

374. See also Wayne's plan for the relief of the fort, in Stillé, *Wayne and the Pennsylvania Line*, pp. 103-107.

* Trevelyan, *American Revolution*, vol. iv., pp. 265-266.

† For the difficulties of Hamilton in persuading the northern generals to send aid, see Irving, *Life of Washington*, vol. iii., p. 330 *et seq.*

‡ Baker, *The Camp of the Old Gulph Mill*, p. 4.

wing or the American army.* For two days Howe made various movements in front of Washington's camp in an endeavor to draw him out. Some skirmishing took place but Washington remained within his lines, and Howe, seeing no immediate prospect of an engagement, and deeming it inadvisable to attack Washington in the position he then

occupied, returned to Philadelphia on December 8.* At that time the armies were about equal numerically, each consisting of slightly more than 14,000 troops. After Howe's return to Philadelphia, Washington determined to leave White Marsh and go into winter quarters at Valley Forge, about twenty miles from Philadelphia.†

CHAPTER XVIII.

1778.

VALLEY FORGE: CONWAY'S CABAL.

The army encamps at Valley Forge — Sufferings of the soldiers — Scarcity of food and clothing — Washington remonstrates to Congress and the States — Trouble in the Commissary Department — Washington urges half pay system — Opposition of delegates in Congress — Attempt of Conway, Gates and Mifflin to ruin Washington's reputation — Anonymous letters circulated — Washington's reply — Projected expedition to Canada — Lafayette refuses to join the Cabal — Conway's confession.

It will be remembered that Washington had been clothed with large powers by Congress so that, if it became necessary, he could use forcible means to obtain supplies for the army, but these powers he was loath to use.† Instead of acting in an arbitrary manner, he always first attempted to gain his ends by peaceable means, and while he never failed to display firmness and decision, yet every act was characterized by great prudence

and discretion.‡ After Howe had occupied Philadelphia and had failed

* Carrington, *Battles of the Revolution*, pp. 397-398; Ford's ed. of *Washington's Writings*, vol. vi., pp. 238-240; Irving, *Life of Washington*, vol. iii., pp. 348-351; Stedman, *American War*, vol. i., pp. 305-306; Reed, *Life of Joseph Reed*, vol. i., pp. 350-351; Greene, *Life of Nathanael Greene*, p. 534; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 115-116; Kapp, *Life of Kalb*, pp. 133-134.

† Gordon, *American Revolution*, vol. iii., pp. 10-12 (ed. 1788); Ford's ed. of *Washington's Writings*, vol. vi., pp. 243-245; Tower, *Marquis de La Fayette*, vol. i., p. 255.

‡ It was in December, 1777, that Mr. Bushnell, the inventor of the American torpedo and other submarine machinery, set afloat in the Delaware a contrivance which frightened the British not a little. This was a squadron of kegs, charged with powder, to explode on coming in contact with anything. The ice prevented the success of this contrivance, but as a boat was blown up, and some of the kegs exploded, the British at Philadelphia, not knowing what dreadful affairs might be in

* On the manner in which Washington was warned of Howe's attempt to surprise him, see Lossing, *Book of the Revolution*, vol. ii., pp. 95-96; Mrs. Ellett, *Women of the Revolution*, vol. i., p. 170 *et seq.*

† See his letter of December 15 to the President of Congress, quoted in Sparks, *Life of Washington*, p. 243.

to draw Washington into a general battle, winter came on and practically put a stop to any further operations for the season. Washington therefore called a council of his officers to determine upon the most suitable place as winter quarters for the army. Many different opinions were expressed, but finally Washington was compelled to decide for himself, selecting Valley Forge. This was a deep and rugged valley situated about twenty miles from Philadelphia. On one side it was bounded by the Schuylkill, and on the other by ridges of hills. Shortly after the army arrived at Valley Forge, General Greene, much against his will, was appointed Quartermaster-General.* The army was lacking in almost everything—food, clothing, tents, supplies, etc. As the clothing of the soldiers was so miserably deficient, it were inhuman to consign them to exposure to the inclement weather merely under tents, and it was therefore determined that a sufficient number of huts should be built of logs filled in with mortar.† The dimen-

sions of the huts were 16 x 14 feet, and 12 privates were assigned to each or a smaller number of officers according to rank. A general officer was the sole tenant of a hut.* Toward the middle of December, the army began its march toward Valley Forge, and such was the condition of the troops that numbers were seen to drop dead with the cold, while those who remained alive, being without shoes, had their feet cut by the ice, and left their tracks in blood. At length, after the most painful experience, the troops reached Valley Forge and immediately set about constructing their habitations according to the plan. In a short time the

drew from him some pretty plain words on this point: "We find gentlemen, without knowing whether the army was really going into winter-quarters or not, reprobating the measure as much as if they thought that the soldiers were made of stocks or stones, and equally insensible of frost and snow; and moreover, as if they conceived it easily practicable for an inferior army, under the disadvantages I have described ours to be, which are by no means exaggerated, to confine a superior one, in all respects well appointed, and provided for a winter's campaign, within the city of Philadelphia, and to cover from depredation and waste, the States of Pennsylvania and New Jersey. * * * I can assure these gentlemen, that it is a much easier and less distressing thing, to draw remonstrances in a comfortable room, by a good fireside, than to occupy a cold, bleak hill, and sleep under frost and snow, without clothes or blankets. However, although they seem to have little feeling for the naked and distressed soldiers, I feel superabundantly for them, and from my soul I pity those miseries, which it is neither in my power to relieve or prevent." Sparks, *Life of Washington*, pp. 256-257. The whole letter is in Irving, *Life of Washington*, vol. iii., pp. 355-358. See also Trevelyan, *American Revolution*, vol. iv., p. 303; Johnson, *General Washington*, pp. 180-182.

* Sparks, *Life of Washington*, p. 245.

the water, fired at everything they saw in the ebb tide. Bushnell's own account of this affair is in *Transactions of the American Philosophical Society*, vol. iv., p. 312. See also Thacher, *Military Journal*, pp. 63-64, 121-124. Mr. Hopkinson's *Battle of the Kegs* is reprinted in Frank Morse, *Diary of the American Revolution*, vol. ii., pp. 5-6; Thacher, pp. 361-362. See also the review in Tyler's *Literary History of the American Revolution*, vol. ii., pp. 146-149.

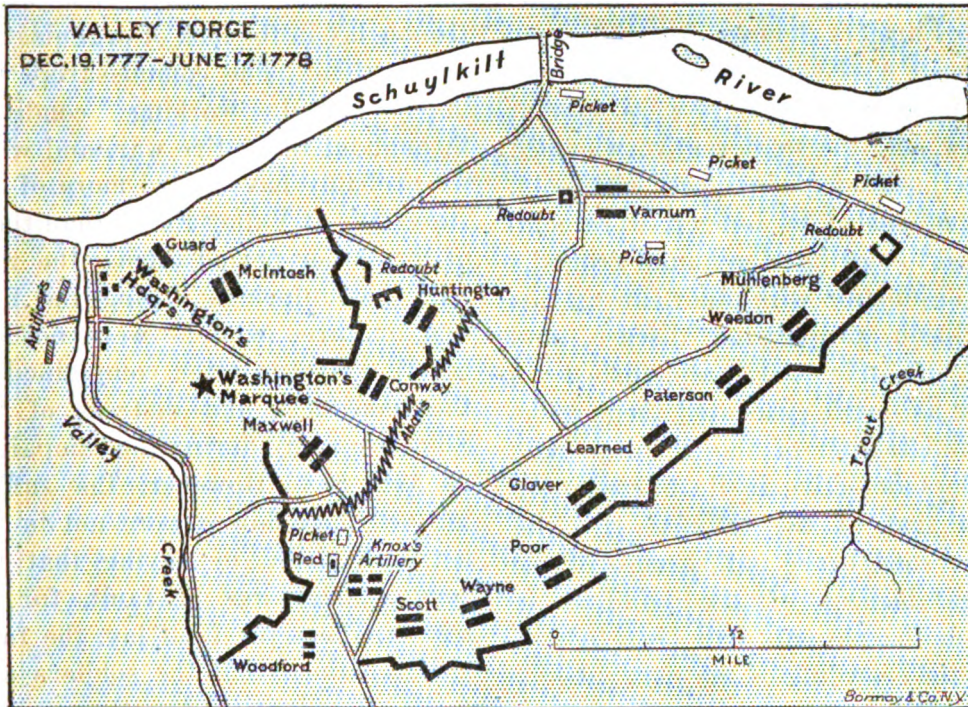
* F. V. Greene, *Life of Greene*, p. 96 *et seq.*

† At the time the legislature of Pennsylvania, vexed at the loss of Philadelphia, complained because Washington went into winter-quarters. This

barracks were completed and the troops were lodged therein with some degree of comfort.*

The army was soon called upon to endure intense suffering which can hardly be described in words. Tattered, half naked, and utterly destitute of everything necessary to support life; some of the sol-

ing any blankets;—it is small wonder that the greater part of the army was soon unfit for service. As a result, large numbers sickened; while others, being unfit for duty because of nakedness, were excused from military duty by their officers and remained in their barracks or were lodged in the houses of neighboring farmers; so



diers having only one shirt while a large majority had none at all; large numbers being compelled to walk over the frozen ground barefooted for want of shoes,†; few hav-

ing any blankets;—it is small wonder that the greater part of the army was soon unfit for service. As a result, large numbers sickened; while others, being unfit for duty because of nakedness, were excused from military duty by their officers and remained in their barracks or were lodged in the houses of neighboring farmers; so

* On the disposition of the troops, see Lossing, *Field-Book of the Revolution*, vol. ii., p. 128.

† Gordon, *American Revolution*, vol. iii., p. 68 et seq.; Hart, *American History Told by Contemporaries*, vol. ii., p. 570; Ford's ed. of *Washington's Writings*, vol. vi., p. 260; Brooks, *Life of Knox*, p. 115; Kapp, *Life of Steuben*, p. 118;

Stillé, *Wayne and the Pennsylvania Line*, p. 115 et seq.

so contrary to the common opinion of people distant from the Army, would scarcely be thought credible. I fear I shall wound your feelings by telling you that by a Field Return of the 23d Instant, we had in camp no less than 2898 men unfit for duty by reason of their being barefoot and otherwise naked. Besides these there are many others detained at the Hospitals and Farmers houses for the same causes."* Even the miserable huts erected for the soldiers were without straw, and the soldiers, overwhelmed with lassitude, benumbed with cold, and enfeebled by hunger, were compelled to sleep on the humid ground.† In conjunction with other causes, this condition propagated disease, and the hospitals were replenished as soon as death evacuated them. The administration of the hospitals was no less defective in its organization than that of the camp.‡ Hospital fever soon broke out because of the unsuitableness of the building in which the patients had been lodged, and the crowding of the sick, with the natural result that large numbers of those who otherwise would probably have survived, succumbed.||

Fiske says that while these sufferings have drawn forth unlimited pity, we should not lose sight of the fact that this misery was caused

chiefly by gross mismanagement rather than by the poverty of the country.* Sumner also points out that there was plenty all about and that the people were not paying any war taxes. Distress and poverty were not general and, except at the very seat of military operations for the time being, the war did not press on the people in any way. The whole trouble lay in the lack of organization and system. The commissariat was in wretched working condition throughout the entire war, and while we probably have heard more of the sufferings at Valley Forge than those of any other period during the war, still the sufferings during the next two or three winters were no less severe. Greene often complained of the nakedness and distress of the Southern army during the campaigns of 1780-81.† However, the sufferings of the soldiers were not in the least alleviated by saying that the commissariat was at fault, for no matter where the fault lay, the facts still remained that the soldiers suffered and that under the present management there was no possible way to remedy the sad condition. There was no clean linen to be secured; even the coarsest diet was scarcely obtainable; while the little medicine the army had was so adulterated through the shameless cupidity of contractors as to be almost worthless. This corruption among

* Henry, *Life of Patrick Henry*, vol. iii., p. 137. See also his letter of February 19, 1778, p. 148.

† See Trevelyan, *American Revolution*, vol. iv., p. 295 et seq.

‡ See Kapp, *Life of Kalb*, p. 137 et seq.

|| Trevelyan, p. 298 et seq.

* *American Revolution*, vol. ii., pp. 28-29.

† *Life of Alexander Hamilton*, pp. 87-88.



WASHINGTON AND LAFAYETTE AT VALLEY FORGE.

contractors had prevailed for some time and finally became so notorious as to constitute a scandal. As far back as 1776, John Adams had written to his wife: "There is too much corruption even in this infant age of our republic. Virtue is not in fashion. Vice is not infamous. * * * The spirit of venality you mention is the most dreadful and alarming enemy America has to oppose. It is as rapacious and insatiable as the grave. * * * This predominant avarice will ruin America if she is ever ruined. * * * I am ashamed of the age I live in."* Hence it was that the hospital resembled more a morgue than a refuge for the sick, for those who entered were more likely to emerge dead than cured. Consequently, the hospital became the terror of the army, the soldiers preferring to take their chances in the cold open air rather than to be buried alive in the midst of the dead.

Probably few can imagine the hardships through which the American army passed in the course of this winter, and the soldiers are to be much admired for the firmness with which they bore their sufferings. It could hardly be hoped that under the circumstances there would be no desertion, and considering the fact also that the Loyalists were holding out large inducements to those who would abandon the American cause. Consequently, a small number, driven

to despair by their long continued sufferings, deserted their colors and joined the British at Philadelphia. The majority of these, however, were foreigners who had entered the American service,* the Americans persevering and preferring starvation rather than violate the faith they had pledged to their country.†

Undoubtedly, had Howe not remained inactive at this time and had he been of an enterprising nature, the American army could easily have been annihilated. Without military stores, in a half-starved condition, most of the troops sick and in the hospital, and the other half hardly able to stand because of frost-bitten feet, the army could have offered little resistance to Howe's well-fed, well-clothed, and well-equipped veterans. Howe said that he "did not attack the intrenched situation at Valley Forge, a strong point during the severe season, although everything was prepared with that intention, judging it imprudent until the season should afford a prospect of reaping the advantages that ought to have resulted from success in that measure, but having good information in the spring that the enemy had

* Trevelyan, *American Revolution*, vol. iv., p. 300.

† See *The Examination of Joseph Galloway* (Balch's ed.); Ford's ed. of *Washington's Writings*, vol. vi. pp. 253, 257-258, 261-262, 267, 286, 358, 361, 379, 381, 436, 437; Bolton, *The Private Soldier under Washington*, p. 240; Drake, *Life of Knox*, pp. 55-56; Van Tyne, *Loyalists of the American Revolution*, p. 157; Greene, *Life of Greene*, vol. i., pp. 536-541.

* C. F. Adams (ed.), *Letters of John Adams Addressed to his Wife*, vol. i., pp. 166, 171.

strengthened the camp by additional works, and being certain of moving him from thence when the campaign should open, he dropped thoughts of an attack." * Washington said that if Howe had attacked the army, the Americans could not even have retreated, because means of transportation were lacking.† On February 1, 1778, more than 4,000 troops were incapable of any kind of service for lack of clothing, and the condition of the balance was but little better, so that out of 11,000 or 12,000 men in the camp, Washington could have mustered 5,000 fit for duty only with the greatest difficulty.

Washington therefore addressed energetic remonstrances to Congress and to the various States, and these had some effect, though not in the measure that Washington expected. The convention of the eight Northern States that Congress had recommended met at New Haven and agreed upon a scale of prices at which provisions and clothing should be furnished to the army. "Some of the states attempted, by legislation, to enforce the New Haven scale of prices generally; but these attempts proved no more successful than former ones of the same sort. Recourse was also had, with the same object in view, to internal embargoes, which proved a great embarrassment to

commerce." Pennsylvania passed an act against forestalling and another regulating the supply of wagons for transporting impressed provisions to camp.*

Probably the chief reason for the deficiency of food and other supplies in a country abounding with provisions was the confusion prevailing in the commissary department. In the earlier stages of the war, the office of commissary-general had been conferred upon Colonel Joseph Trumbull of Connecticut, who was undoubtedly well fitted for that position, but so difficult was the task of arranging this complicated department that even before the Valley Forge experience the army was compelled to go without much needed supplies. Congress had early considered the subject, but the remedy applied served only to increase the disease, and when the system suggested by Congress was instituted, its arrangements were such that Colonel Trumbull resigned his position in that department and retired to private life.† This was due chiefly to the fact that subordinate officers were accountable to Congress, and not to the head of the department, that officer having no authority over them. Though Washington had opposed the establishment of such a system, Congress persisted, and it was not long

* See Carrington, *Battles of the Revolution*, p. 402; General Howe's *Narrative*, p. 30.

† Ford's ed. of *Washington's Writings*, vol. viii., p. 504.

* Hildreth, *History of the United States*, vol. iii., p. 232.

† Trevelyan, *American Revolution*, vol. iv., pp. 292-293.

before difficulties began to unfold themselves. This was manifested in every military division on the continent. Never had the armies been able to operate as Washington wished, because their movements were always hampered by a lack of supplies, provisions, ammunition, etc. The sufferings at Valley Forge were simply the inevitable outcome of a totally inefficient system.

Matters finally came to such a pass that even meat unfit to be eaten was issued, and soon no meat at all was to be had. On one occasion Washington wrote: "For several days there has been little less than a famine in camp. A part of the army have been a week without any flesh, and the rest three or four days. Naked and starving as they are, we cannot enough admire the incomparable patience and fidelity of the soldiers, that they have not been ere this excited by their sufferings to a general mutiny and dispersion. Strong symptoms, however, of discontentment have appeared in particular instances; and nothing but the most active efforts everywhere can long avert so shocking a catastrophe." * Washington, on a number of occasions, made representations on this subject to Congress, and that body had authorized him to seize provisions for the use of the army within seventy miles of headquarters and to pay for

such requisitioned provisions in money if he had it, or, if not, in public certificates. But Washington experienced much difficulty in obtaining these provisions, because Congress failed to provide funds to take up these certificates when presented. On the other hand, the British in Philadelphia were only too willing to pay a fair price in specie for such goods as the people in the surrounding country brought in. As a result, the temptation was too great for the country people to resist,* and they eluded the troops which Washington sent out to gather these provisions, and instead conveyed them to Philadelphia. Washington, therefore, at the urgent request of Congress, issued a proclamation requiring all farmers within seventy miles of Valley Forge to thresh out one-half of their grain by the 1st of February and the other half by the 1st of March, under the penalty that unless this were done, the whole would be seized as straw. Many of the farmers, however, refused to accede to this demand and in many cases defended their grain and their cattle with their rifles, in some instances even going so far as to burn the grain then ripening in the fields.

Washington was filled with anguish at the condition of the army, but what gave him more pain was the example set by some of the officers, who openly declared that they would resign their

* Sparks, *Life of Washington*, pp. 255-256; Irving, vol. iii., p. 400; Trevelyan, *American Revolution*, vol. iv., pp. 294-295.

* Van Tyne, *Loyalists in the Revolution*, pp. 205-206.

commissions unless conditions were soon remedied. Many of them had already left the army to enter upon more lucrative employment,* chiefly because the paper money had so depreciated that the officers were not only unable to live up to their station, but could not even provide the necessities of life. Their private resources had become exhausted; many had become involved in debt; and it was evident that unless this situation were remedied, the army would be deprived of the majority of its most efficient officers. Washington put forth every effort to bring about a change in the affairs of the army, exerting all his influence to persuade the officers to remain in the service. He also urged Congress to take some step to meet the emergency. In reply to one of Washington's letters regarding the resignations of officers under these trying circumstances, Gouverneur Morris said:

"We are going on with the regimental arrangements as fast as possible, and I think the day begins to appear with respect to that business. Had our Saviour addressed a chapter to the rulers of mankind, as he did many to the subjects, I am persuaded his good sense would have dictated this text: *Be not wise over much*. Had the several members who compose our multifarious body been only wise *enough*, our business would long since have been completed. But our superior abilities, or the desire of appearing to possess them, lead us to such exquisite tediousness of debate that the most precious moments pass unheeded away. * * * As to what you mention of the extraordinary demeanor of some gentlemen, I cannot but agree with you that such conduct is not the most *honorable*. But, on the other hand, you must allow that it is the most *safe*, and certainly you

are not to learn that, however ignorant of that happy art in your own person, the bulk of us bipeds know well how to balance solid pudding against empty praise. There are other things, my dear sir, beside virtue which are their own reward." *

Washington urged that Congress grant half pay to the officers after the war, either for life or for a certain specified time.† In doing so, he disclaimed any personal interest as to how this matter might be settled, but he said that it was easy to talk about patriotism and to cite a few examples from ancient history of great enterprises carried to a successful conclusion by patriotism alone; but those who thought that a long and bloody war could be carried on for any great length of time simply by individual sacrifices were laboring under a great delusion; that it was necessary to deal with men as they are and not as they ought to be; that love of country had been a strong point in the greater part of the operations up to the present time, but that to continue the contest on this basis was utterly impossible; and that it would be necessary to give the officers and soldiers some incentive for a continuance of their services so that they might not altogether abandon the cause.‡

At first the members of Congress were much opposed to granting Washington's requests, many deeming them not only extraordinary and

* Roosevelt, *Gouverneur Morris*, p. 84.

† See Sparks, *Life of Washington*, pp. 258-263.

‡ Sparks' ed. of Washington's *Writings*, vol. v., p. 323.

* Sparks' ed. of Washington's *Writings*, vol. v., pp. 305, 312, 313, 322, 351, vol. vi., p. 168.

presumptuous, but calculated to burden the country with an enormous debt*—a bogey which haunted the minds of many for long years to come. Some members thought that the lands to be granted to the soldiers, concerning which we have already spoken, ought to be sufficient to satisfy any moderate man. Gouverneur Morris, however, undertook to push the measure through Congress, but he was fought tooth and nail by a large number of the delegates, including every delegate from New England, to their everlasting discredit be it said. The early leaders had done admirable service in exciting the patriots to make the struggle, but once the struggle began their function was ended, and thereafter they became more of a hindrance in the operations of the government and army than any good to the service. The New Englanders were as resolute as ever, but the scene of the war was transferred to a remote part of the country, and, without the spur of any immediate necessity, New England moved sluggishly. In their opposition the New England delegates were joined by those from South Carolina, while Morris received the support of the delegates from New York, Virginia and the other States, and he was ultimately successful.† In the spring of 1778, yielding to the insistent demands of those who had the

interest of the country at heart, Congress agreed to allow the army officers half pay for life, reserving to the government, however, the power to commute it, if it became necessary or expedient, to six years' half pay. Shortly after, this resolution was reconsidered, and another adopted which allowed officers half pay for seven years only, dating from the end of the war.* While these measures were salutary, still they were adopted too late, and were not sufficiently spontaneous on the part of the members of Congress to create the good feeling which would have resulted had these measures been considered and adopted some time previously. Already more than 200 officers had resigned their commissions and the greater part of the others were fast becoming lukewarm.

It would seem as though Washington were already laboring under a sufficiently heavy burden without being called upon to suffer imputations against his character. As is generally the case with a man in his position, his appointment had created jealousy, and his conduct of the war could not possibly satisfy everyone. Up to this time his military exploits had been attended with very little success. He had been compelled to retreat continually before the enemy, but few took into consideration the fact that this enemy was more powerful numerically, better

* See Elbridge Gerry's letter, in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 66-68.

† Roosevelt, *Gouverneur Morris*, pp. 79-80.

* See *Journals of Congress*, vol. iv., pp. 228, 229, 243, 244, 288.

equipped, better supplied, and in every way better fitted to drive the half starved Continental army before them. While the latter had compelled the British to evacuate Boston, they had lost the battle of Long Island, had been driven out of New York, compelled to retreat across Jersey, had lost Philadelphia and the fortifications on the Delaware, had been beaten at Brandywine; and, to offset these latter operations, had won one decisive victory at Trenton and the very indecisive action at Princeton. On the other hand, Gates, though undoubtedly much of the honor of winning the victory at Saratoga belongs to others, had been hailed as the victor of Saratoga. For a time his renown far outshone that of Washington, because it was the first great victory of the war—a victory which necessarily greatly affected the subsequent conduct of the war and the future prospects of the whole country. Therefore, not only the members of Congress, but the people throughout the colonies began to make comparisons between the hero of Saratoga and the man who occupied the chief command over all the army. Jealousies also contributed their part to detract from Washington's fame, and schemers endeavored by intrigue to question his integrity to further their own evil designs and selfish ends, but with little success. Hildreth says:

"Every biographer has been very anxious to

shield his special hero from the charge of participation in this affair [Conway's Cabal], indignantlly stigmatized, by most writers, as a base intrigue. Yet doubts, at that time, as to Washington's fitness for the chief command, though they might evince prejudice or lack of sound judgment, do not necessarily imply either selfish ends or a malicious disposition. The Washington of that day was not the Washington as we know him, tried and proved by twenty years of the most disinterested and most successful public service. As yet, he had been in command but little more than two years, during which he had suffered, with some slight exceptions, a continued series of losses and defeats. He had recovered Boston, to be sure, but had lost New York, Newport and Philadelphia. He had been completely successful at Trenton, and partially so at Princeton, but had been beaten, with heavy loss, on Long Island and at Fort Washington, and lately in two pitched battles on ground of his own choosing, at Brandywine and Germantown. What a contrast to the battle of Behm's Heights, and the capture of Burgoyne's whole army! Want of success, and sectional and personal prejudices, had created a party in Congress against Schuyler and against Sullivan. Could Washington escape the common fate of those who lose?"*

At this time a systematic attack was made upon Washington's reputation, known as Conway's Cabal, from the name of the one principally concerned in it, Thomas Conway, though Gates, Mifflin, Samuel Adams, and other members of Congress were equally as guilty for countenancing any such scheme.† Gates and Mifflin had never been well disposed toward Washington; Conway was angered and disappointed because he had not been appointed inspector-general; while Adams and some of the New England members were never cordial to Washington from

* Hildreth, *History of the United States*, vol. iii., p. 233.

† On the opposition of Samuel Adams, see Homer, *Samuel Adams*, p. 377 *et seq.*

the time of his appointment as commander-in-chief, principally because he was a Virginian. Now, therefore, when it was possible to make an unfavorable contrast between the operations under Gates and Washington, the discontented persons forming the Cabal began to assume a more openly defiant attitude. They widely distributed anonymous letters which insinuated that the continued failure attendant upon Washington's operations was due to incapacity and a vacillating policy. These missives were filled with insinuations against his character and conduct. While Washington had for some time been aware that there was strong opposition to him, not only in Congress but elsewhere, still he probably had no idea that this opposition would lead to a malicious circulation of false statements. As it was not until after the victory at Saratoga that these actions assumed definite shape, Washington, as was his custom, paid little attention to them. Trevelyan says: "The Commander-in-chief of the national armies was well aware that some of the cleverest, and all the least estimable, Congressmen were plotting his downfall with adroitness and unscrupulous assiduity. They calumniated his motives. They disparaged his abilities. They deliberately withheld from him absolute necessities, while demanding of him utter impossibilities."* However,

* Trevelyan, *American Revolution*, vol. iv., p. 301.

when the conspirators assumed such a bold attitude that he could not possibly overlook it, Washington was not slow to take the matter into consideration. When Wilkinson was on his way to Congress to notify that body of the victory of Saratoga, he divulged a part of a letter written by Conway to Gates and the statements he made at that time were communicated to Washington by Lord Stirling.* On the 9th of November, Washington wrote to Conway as follows:

"A letter which I received last night contained the following paragraph — 'In a letter from General Conway to General Gates he says, "*Heaven has determined to save your country, or a weak General and bad counsellors would have ruined it.*"' I am, sir, your humble servant," etc.†

This curt note fell upon Conway with stunning effect and a long correspondence ensued which, on Washington's part, was conducted with great dignity.‡ The result of the whole affair showed what a deep hold he had on the confidence, the love, and the veneration of his country.¶ One of the anonymous letters written by the conspirators had been sent to Henry Laurens, at that time Presi-

* Sparks' ed. of *Washington's Writings*, vol. v., p. 492; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 131-132; Johnson, *General Washington*, pp. 187-189.

† Lodge, *George Washington*, vol. i., p. 215; Irving, *Life of Washington*, vol. iii., pp. 321-322.

‡ See Trevelyan, *American Revolution*, vol. iv., p. 312 *et seq.*; Irving, *Life of Washington*, vol. iii., p. 362 *et seq.*

¶ See also LaFayette's letter, in Tower, *Marquis de La Fayette*, vol. i., p. 260 *et seq.* See also John Adams, *Works*, vol. i., p. 265.

dent of Congress, and was intended to be read to that body, in the hope that some of the members might be influenced. Another letter was sent to Patrick Henry, governor of Virginia, but these men, being warm personal friends of Washington, sent the letters to him without allowing their contents to become known to others.* The letter to Henry was as follows:

YORKTOWN, 12 January, 1778.

"DEAR SIR,—The common danger of our country first brought you and me together. I recollect with pleasure the influence of your conversation and eloquence upon the opinions of this country in the beginning of the present controversy. You first taught us to shake off our idolatrous attachment to royalty, and to oppose its encroachments upon our liberties, with our very lives. By these means you saved us from ruin. The independence of America is the offspring of that liberal spirit of thinking and acting, which followed the destruction of the sceptres of kings and the mighty power of Great Britain.

"But, sir, we have only passed the Red Sea. A dreary wilderness is still before us, and unless a Moses or a Joshua are raised up in our behalf, we must perish before we reach the promised land. We have nothing to fear from our enemies on the way. General Howe it is true has taken Philadelphia; but he has only changed his prison. His dominions are bounded on all sides by his out-sentries. America can only be undone by herself. She looks up to her councils and arms for protection; but alas! what are they? Her representation in Congress dwindled to only twenty-one members; her Adams, her Wilson, her Henry, are no more among them. Her councils weak, and partial remedies applied constantly for universal diseases. Her army, what is it? A major-general belonging to it called it a few days ago in my hearing, a mob. Discipline unknown or wholly neglected. The quarter-master's and commissary's departments filled with idleness, ig-

norance and speculation; our hospitals crowded with six thousand sick, but half provided with necessaries or accommodations, and more dying in them in one month than perished in the field during the whole of the last campaign. The money depreciating without any effectual measures being taken to raise it; the country distracted with the Don Quixote attempts to regulate the price of provisions, an artificial famine created by it, and a real one dreaded from it; the spirit of the people failing through a more intimate acquaintance with the causes of our misfortunes; many submitting daily to General Howe; and more wishing to do it, only to avoid the calamities which threaten our country. But is our case desperate? By no means. We have wisdom, virtue and strength enough to save us, if they could be called into action. The northern army has shown us what Americans are capable of doing with a general at their head. The spirit of the southern army is no way inferior to the spirit of the northern. A Gates, a Lee, or a Conway, would in a few weeks render them an irresistible body of men. The last of the above officers has accepted the new office of inspector-general of our army, in order to reform abuses; but the remedy is only a palliative one. In one of his letters to a friend, he says 'A great and good God hath decreed America to be free, or the [General] and weak counsellors would have ruined her long ago.' You may rest assured of each of the facts related in this letter. The author of it is one of your Philadelphia friends. A hint of his name, if found out by the handwriting, must not be mentioned to your most intimate friend. Even the letter must be thrown in the fire. But some of its contents ought to be made public, in order to awaken, enlighten, and alarm our country. I rely upon your prudence, and am, dear Sir, with my usual attachment to you, and to our beloved independence,

"Yours, sincerely,"*

"His Excellency P. Henry."

Washington replied to Laurens January 31, 1778, as follows:

"I cannot sufficiently express the obligation I feel to you, for your friendship and politeness upon an occasion in which I am so deeply interested. I was not unapprized, that a malignant faction

* In his letter of March 28, 1778, Washington says that the letter "was written by Dr. Rush, so far as I can judge from a similitude of hands."—*Sparks' ed. of Washington's Writings*, vol. v., pp. 495-497, 512-515. See also Tyler, *Life of Patrick Henry*, pp. 222-223.

* Tyler, *Life of Patrick Henry*, pp. 215-217. See also Henry's letters enclosing this epistle to Washington, pp. 218-220; Henry, *Life of Patrick Henry*, vol. i., pp. 544-549.

had been for some time forming to my prejudice; which, conscious as I am of having ever done all in my power to answer the important purposes of the trust reposed in me, could not but give me some pain on a personal account. But my chief concern arises from an apprehension of the dangerous consequences which intestine dissensions may produce to the common cause.

"As I have no other view than to promote the public good, and am unambitious of honors not founded in the approbation of my country, I would not desire in the least degree to suppress a free spirit of inquiry into any part of my conduct, that even faction itself may deem reprehensible. The anonymous paper handed to you, exhibits many serious charges, and it is my wish that it should be submitted to Congress. This I am the more inclined to, as the suppression or concealment may possibly involve you in embarrassments hereafter, since it is uncertain how many, or who, may be privy to the contents.

"My enemies take an ungenerous advantage of me. They know the delicacy of my situation, and that motives of policy deprive me of the defence I might otherwise make against their insidious attacks. They know I cannot combat their insinuations, however, injurious, without disclosing secrets, which it is of the utmost moment to conceal. But why should I expect to be exempt from censure, the unfailing lot of an elevated station? Merit and talents, with which I can have no pretensions of rivalry, have ever been subject to it. My heart tells me, that it has been my unremitted aim to do the best that circumstances would permit; yet I may have been very often mistaken in the judgment of the means, and may in many instances deserve the imputation of error." *

Thus it was evident, not only from the operations of the Cabal, but also from the proceedings of Congress for some time prior to this, that a large number of the members of that body had in some way loaned their influence to the disgraceful conspiracy against Washington's name. Furthermore, the appointment of a new

Board of War, of which Gates and Mifflin were members, was not calculated to allay Washington's distrust as to the sentiments of Congress; for, as we have said before, Washington knew that both of these officers were his enemies, and that if they possessed supreme power over the Continental armies he was likely to be removed. One of the first steps in their plan thoroughly to disgust Washington was to make preparations for future operations without consulting the commander-in-chief. They proposed also an expedition to subjugate Canada, probably more to separate Lafayette and Washington than for any other purpose, because while Lafayette was near the commander-in-chief, there was little hope that any of their bold designs could be successfully consummated without his knowledge. In order to separate the two, therefore, Lafayette was placed in command of this expedition upon rosy promises of large reinforcements. After a long and earnest consultation with Washington, Lafayette accepted the commission, but much to his disgust he found the army in a wretched condition, while the aid promised by Congress failed to materialize. The expedition was therefore abandoned and after several months of comparative idleness, Lafayette returned to headquarters at Valley Forge in April, 1778.* The

* Sparks, *Life of Washington*, p. 233. See also Washington's reply to Patrick Henry, who also sent him a copy of this letter. Henry, *Life of Patrick Henry*, vol. i., pp. 549-551.

* For details, see Tower, *Marquis de La Fayette*, vol. i., pp. 271-291. See also Lossing, *Field-Book of the Revolution*, vol. ii., p. 133 et seq.;

purpose of the Cabal to place Washington in such a position that he would become disgusted and resign, was now clearly evident. Washington, however, was not to be thrust aside thus easily.* Writing to William Gordon, he said:

"I can assure you that no person ever heard me drop an expression that had a tendency to resignation. The same principles that led me to embark in the opposition to the arbitrary claims of Great Britain, operate with additional force at this day; nor is it my desire to withdraw my services, while they are considered of importance in the present contest; but to report a design of this kind, is among the arts which those who are endeavoring to effect a change, are practicing to bring it to pass. I have said, and I still do say, that there is not an officer in the United States, that would return to the sweets of domestic life with more heart-felt joy than I should. But I would have this declaration accompanied by these sentiments, that while the public are satisfied with my endeavors, I mean not to shrink from the cause; but the moment her voice, not that of faction, calls upon me to resign, I shall do it with as much pleasure as ever the weary traveller retired to rest." †

Lafayette also could not be flattered or cajoled into joining the Cabal. He absolutely refused to have anything to do with it. Writing to Washington, he said: "I am now fixed to your fate, and I shall follow it, and sustain it, as well by my sword, as by all the means in my power." ‡ The army as a whole was highly indignant at the designs of the Cabal against Washington.

Realizing that Washington knew of their designs, the members of the Cabal denied any such intentions, Gates and Mifflin being particularly strong in their denials. Their letters are quoted by Gordon.* Conway also made an attempt to exonerate himself, but it seems a well-established fact that Gates and Mifflin were cognizant of the Cabal's machinations and were prepared to profit by it. At a conference between Gates and General Morgan after Burgoyne's surrender, Gates asserted confidentially that the army was becoming dissatisfied with Washington's conduct, that Washington's reputation was rapidly declining, and that a number of the chief army officers were threatening to resign unless a change were made in that department. Morgan instantly understood the intention of Gates, and as he thought highly of Washington, replied as follows: "Sir, I have one favor to ask. Never again mention to me this hateful subject; under no other man but General Washington, as commander-in-chief, will I ever serve." From that time a coolness existed between Morgan and Gates, and in the final account of the victory at Saratoga Gates failed to mention Morgan's name, though

Kapp, *Life of Kalb*, p. 149 *et seq.*; Sparks, *Life of Washington*, p. 250 *et seq.*; Lodge, *George Washington*, vol. i., p. 216 *et seq.*

* See the letter to James Lovell, quoted in Irving, *Life of Washington*, vol. iii., pp. 336-337.

† Bancroft, vol. v., p. 216.

‡ Tower, *Marquis de La Fayette*, vol. i., p. 263.

* Gordon, however, was on terms of intimate friendship with Gates, and this may, in some way, account for his unwillingness to believe his friend guilty of such dishonorable conduct and his desire to quote letters favorable to Gates. See also the footnote in Lossing, *Field-Book of the Revolution*, vol. ii., p. 134.

undoubtedly that officer had contributed largely to the result of the battle.*

General Conway was soon brought to a realization that the army would not countenance his actions. He had never been popular with the majority of the soldiers, and when it became known that he had endeavored to displace Washington, he was challenged to a duel by General Cadwalader. Despite Washington's remonstrances, this duel was fought July 4, 1778, and Conway was wounded.† Supposing that his wound was mortal, Conway was struck with sudden remorse, and wrote the following letter to Washington:

"I find myself just able to hold the pen during a few minutes, and take this opportunity of expressing my sincere grief for having done, written, or said any thing disagreeable to your Excellency. My career will soon be over; therefore, justice and truth prompt me to declare my last sentiments. You are, in my eyes, the great and good man. May you long enjoy the love, veneration,

* See Graham, *Life of General Morgan*, pp. 172-173.

† Lossing, *Field-Book of the Revolution*, vol. ii., p. 134.

and esteem of these States, whose liberties you have asserted by your virtues."*

Thus Conway's Cabal came to an end which was not only timely, but also fortunate to the patriotic cause. Washington's conduct throughout the whole affair was marked with moderation, self-command, and nobility.‡

* See Thacher, *Military Journal*, p. 129, note; Hildreth, vol. iii., pp. 232-237; Bancroft, vol. v., pp. 210-217; Fiske, *American Revolution*, vol. ii., pp. 32-46; Johnson, *Life of Greene*, vol. i., pp. 154, 166; Greene, *Life of Greene*, vol. ii., pp. 1-40; Gordon, *American Revolution*, vol. iii., pp. 44, 54 (ed. 1788); Fisher, *Struggle for American Independence*, vol. ii., pp. 127-132; Trevelyan, *American Revolution*, pp. 307-319.

‡ Mr. Irving gives the following anecdote, furnished to him by Judge Jay: "Shortly before the death of John Adams, I was sitting alone with my father, conversing about the American Revolution. Suddenly he remarked, 'Ah, William! the history of that Revolution will never be known. Nobody now alive knows it but John Adams and myself.' Surprised at such a declaration, I asked him to what he referred: He briefly replied: 'The proceedings of the old Congress.' Again I inquired, 'What proceedings?' He answered, 'Those against Washington; from first to last there was a most bitter party against him.'" As the old Congress held its sessions with closed doors, nothing was made public but what that body saw fit to disclose. Irving, *Life of Washington*, vol. iii., p. 397.

CHAPTER XIX.

1776-1778.

FOREIGN AFFAIRS: FRENCH ALLIANCE: CONCILIATION ATTEMPTED.

Committee of Secret Correspondence appointed — Franklin's letter to Dumas — Views in Congress regarding foreign intercourse — The Department of Foreign Affairs organized — Deane sent to France — Attitude of France toward the United Colonies — Vergennes declines to commit himself — Aid given by Beaumarchais — Great Britain protests at conduct of France — Formal treaty with France drafted — Commissioners to France appointed — Their letter of credence and instructions — Commissioners sent to other foreign countries — Inducements held out to France — The Situation in England — King's speech to Parliament — Effect of victory at Saratoga upon sentiment in Europe — Ministerial measures carried in Parliament — Conciliation bills introduced — Treaty of commerce and alliance with France signed — Joy caused by treaty — Address of Congress to the inhabitants of the United States — British peace commissioners arrive in America — The failure of their mission.

By the terms of the Articles of Confederation, the Continental Congress was empowered to make peace, to declare war, to send and receive ambassadors, and to make treaties and alliances, but it could only enter upon the latter with the assent of nine of the thirteen States. Originally the Confederation had no executive officers, and its business was conducted through committees. For the purpose of conducting foreign intercourse, on November 29, 1775, a "Committee of Secret Correspondence" was appointed, consisting of Benjamin Harrison, John Jay, Johnson, Dickinson, and Franklin; this committee being appointed for the purpose of holding secret correspondence with the friends of America, "in Great Britain, Ireland and other parts of the world."* The chief

object in view was to sound the principal nations of Europe, particularly France and Spain, in regard to American affairs. Shortly after his appointment, Franklin wrote a letter to Charles W. F. Dumas* in Holland as to the prospect of obtaining aid in that country for the American cause. He said:

"That you may be better enabled to answer some questions which will probably be put to you, concerning our present situation, we inform you, that the whole continent is firmly united — the party for the measures of the British ministry being very small, and much dispersed; that we had on foot the last campaign, an army of nearly twenty thousand men, wherewith we have been able, not only to block the king's army in Boston, but to spare considerable detachments for the invasion of Canada, where we have met with great success, as the printed papers sent herewith will inform you, and have now reason to expect the whole province may be soon in our possession; that we purpose greatly to increase our force for the ensuing year; and thereby we hope, with the assistance of a well disciplined militia, to be able

* Baneroff, vol. iv., p. 362; John Adams, *Works*, vol. i., pp. 202-203, vol. iii., p. 3; Weld, *Life of Franklin*, p. 475; Parton, *Life of Franklin*, vol. ii., p. 111; John Bassett Moore, *American Diplo-*

macy, Its Spirit and Achievements, pp. ix., 5; Hart, *Foundations of American Foreign Policy*, p. 15; Pellet, *John Jay*, p. 49.

* For the services of this man see Moore, *American Diplomacy*, pp. 23-25.

to defend our coast, notwithstanding its great extent; that we already have a small squadron of armed vessels, to protect our coasting trade, who have had some success in taking several of the enemy's cruizers, and some of their transport vessels and stores." *

It was certain that the Declaration of Independence would involve an appeal to the nations of Europe for countenance and aid. It was not only a challenge to Great Britain, but an assertion by the colonies of their right to an independent place among the world's powers, and an appeal to the powers to recognize the justice of their claim. A new field was therefore opened for the energies of Congress beside the contest of arms in which the colonies had engaged with the mother country, and a new relation was to be sustained toward the governments of Europe. Among the members of Congress there were two views regarding foreign intercourse. One was that no minister should be sent to foreign courts until assurances were given by the latter that our ministers would be well received; and the other, that for attaining independence we should seek to establish good relations, if not alliances, with the nations unfriendly to England. Franklin had said "A virgin state should preserve a virgin character, and not go abroad suitoring for alliances; but wait with decent dignity for the application of others." On the other hand, John Adams said, "I think we have not meanly solicited for friendships

anywhere. But to send ministers to any great court in Europe, especially the maritime courts, to propose an acknowledgment of the independence of America and treaties of amity and commerce, is no more than becomes us, and in my opinion is our duty to do." *

The conduct of foreign relations through a committee, however, did not prove satisfactory, chiefly because the members did not attend to their business. One of the members said: "There is really no such thing as a Committee of Foreign Affairs existing—no secretary or clerk further than I persevere to be one and the other. The books and the papers of that extinguished body lay yet on the table of Congress, or rather are locked up in the secretary's private box." Congress thereupon appointed a committee to prepare a plan for the organization of the department, and in this plan the committee states: "That the extent and rising power of the United States entitle them to a place among the great potentates of Europe, while our political and commercial interests point out the propriety of cultivating with them a friendly correspondence and connection. That, to render such an intercourse advantageous, the necessity of competent knowledge of the interests, views, relations and systems of those potentates, is obvious. * * *

* See also Parton, *Life of Franklin*, vol. ii., p. 112.

* Trescott, *Diplomacy of the Revolution*, pp. 16-17. See also John Adams, *Works*, vol. i., pp. 199-201.

That to answer those essential purposes the committee are of opinion that a fixed and permanent office for the Department of Foreign Affairs ought forthwith to be established as a remedy against the fluctuations, the delays, and indecision to which the present mode of managing our foreign affairs must be exposed." * The committee recommended that a Secretary of Foreign Affairs be appointed, and proceeded to set forth his duties. Thereafter the management of foreign affairs ran more smoothly.

The first representative sent abroad was Silas Deane. Franklin had received information through friends that France seemed favorably disposed toward America, and, while she could not publicly display her friendship, she was inclined to render aid to the American cause in a surreptitious manner. Deane, therefore, was sent to ascertain the exact position of the French government and to obtain much needed supplies and material for the army.† His letter of instructions, dated March 3, 1776, orders him to assume the character of a merchant engaged in the West India trade, and instructs him to state to the French ministry that clothing and arms for about 25,000 men, as well as ammunition, and field pieces, were needed by the Americans. He was to secure an audience at the earliest possible moment with the French minister of for-

eign affairs, Charles Gravier, Count de Vergennes. Deane secretly departed from the United States, traveling under the assumed name of "Timothy Jones," and many state that he carried with him a supply of invisible ink with which to write his reports.‡ Deane arrived in Paris early in July and immediately set about the fulfillment of the task assigned him.‡ He soon succeeded in obtaining an interview with Count de Vergennes in which he stated the purpose of his mission, and was informed that the importance of American commerce was well known in France, and that no country could so well supply the American colonies and in return receive their produce, as France. For this reason; therefore, it was to the interest of both to maintain uninterrupted intercourse, and with this object in view, the court had ordered French ports to be kept open, not only to America but also to England. But, he said, considering the friendly relations existing between the latter country and France, the French court could not openly encourage the shipping of warlike stores to America. As a manifestation of their friendli-

* See Wharton, *Diplomatic Correspondence of the Revolution*, vol. i., p. 334, vol. ii., p. 78; Parton, *Life of Franklin*, vol. ii., p. 113 *et seq.*; Moore, *American Diplomacy*, pp. 5-6. On the relation of the French government with the colonies, see Tower, *The Marquis de LaFayette in the American Revolution*, vol. i., chap. iii.

† Foster, *A Century of American Diplomacy*, p. 11.

‡ For details see Tower, vol. i., p. 142 *et seq.*; Wharton, vol. ii., p. 78 *et seq.*

* *Secret Journals of Congress*, vol. ii., p. 580.

† As to his fitness for this mission, see John Adams, *Works*, vol. i., p. 248 *et seq.*

ness for the American cause, however, no obstructions of any kind would be placed in the way of such shipments. He said that the custom-house officials had not been informed as to the secret intentions of the court, and if Deane experienced any difficulty whatever in transporting his merchandise through the custom-houses, he should report it immediately to the court and such obstructions would be removed immediately. Deane was to consider himself under the immediate protection of the ministry, and if the police or any other officials should in any way, shape or manner interfere with his movements, such interference should be reported to the ministry and everything would be immediately cleared away. Deane was to be perfectly free to carry on any kind of commerce in the kingdom which was permissible to the subjects of any other nation of the world, for the court had resolved to remain strictly neutral and to allow the ports to be free and open to both parties alike, excepting, of course, in contraband of war. On the subject of independence, however, Vergennes declined to commit himself definitely, as he deemed this matter too uncertain at the present time for consideration, and that it was a subject which might be considered in the far distant future.*

* See Deane's letter of August 18, 1776, to the Committee of Secret Correspondence, in Wharton, *Diplomatic Correspondence*, vol. ii., p. 112, and Franklin's and Deane's letters of March 12, 1777, in *ibid*, vol. ii., p. 283; Tower, *Marquis de LaFayette*, vol. i., pp. 144 *et seq.*, 298 *et seq.*; Parton, *Life of Franklin*, vol. ii., p. 189 *et seq.*

When Deane arrived in Paris, he found that the Revolutionary cause was in a fair way to receive aid of a substantial nature. Through his untiring efforts Franklin's friend, Dr. Duborg, had secured about 15,000 stand of arms from the royal arsenals, and probably would have been able to secure some brass cannon by the same method, had not "the circumstance of their bearing the king's arms and cipher * * * made them too discoverable." The most important of the early friends of the colonies, however, was Pierre Augustin Caron de Beaumarchais, one of the most unique characters in French history of that time. Originally of low birth and by occupation a watchmaker, he had developed great business talents, and by several important operations had become possessed of a fortune and secured a standing among the nobility. He had a talent for music and was well known as an operatic composer and author. His various accomplishments, both in finance and literature, together with his daring as a speculator, highly recommended him to the court and he soon became a favorite of the king. He early suggested that he be appointed secret agent of the French government to furnish material aid to the revolted colonies of the traditional enemy of France, and to further his plans went to London to enlist the aid of Arthur Lee of Virginia, who had

succeeded Franklin as agent for the colony of Massachusetts.* The secret nature of the scheme of Beaumarchais is witnessed by the following letter from Count de Vergennes to the king, dated May 2, 1776, two months before the arrival of Deane:

"Sire: I have the honor of laying at the feet of your Majesty the writing authorizing me to furnish a million of livres for the service of the English colonies. I add also the plan of an answer I propose to make to the Sieur Beaumarchais. I solicit your approbation to the two propositions. The answer to M. de Beaumarchais will not be written in my hand, nor even that of either the clerks or secretaries of my office. I shall employ for that purpose my son, whose handwriting cannot be known. He is only fifteen years old, but I can answer in the most positive manner for his discretion. As it is important that this operation should not be suspected, or at least imputed to the government, I entreat Your Majesty to allow me to direct the return of the Sieur Montaudoin to Paris. The apparent pretext for that proceeding will be to obtain from him an account of his correspondence with the Americans, though in reality it will be for the purpose of employing him to transmit to them such funds as Your Majesty chooses to appropriate to their benefit, directing him, at the same time, to take all necessary precautions, as if, indeed, the Sieur Montaudoin made the advance on his own account. On this head, I take the liberty of requesting the orders of Your Majesty. Having obtained them, I shall write to the Marquis de Grimaldi [Spanish Minister of Foreign Affairs], inform him in detail of our proceedings, and request his coopération to the same extent."

Having obtained the assent of the king to his scheme, the pathway was made smooth for Beaumarchais. When Deane arrived in Paris, Beaumarchais immediately put himself into communication with Deane and thus

relief for the American army was obtained much sooner than had Deane been compelled to conduct the negotiations alone.* In September, 1776, Deane wrote to Robert Morris, "I shall send you in October clothing for 20,000 men, 30,000 muskets, 100 tons gunpowder, 200 brass cannon, 24 mortars, with shot, shell, etc. in proportion."† Furthermore, he obtained credit to the amount of \$2,500,000. Meanwhile, after the king had definitely given his approval to the scheme of Beaumarchais, it was agreed that a mercantile house, under the name of "Roderique Hortalez et Cie.," should be established to "sell" to the colonies military supplies which France could not send them, without violating the rules of neutrality. This firm established itself on a prominent street in Paris in a house formerly occupied as an embassy of the Netherlands government. The head of the house was supposed to have been a Spanish banker, but he was never seen, and all confidential inquiries were answered by Beaumarchais. The French government supplied 1,000,000 livres, and on its endorsement, the Spanish government advanced 1,000,000, more, chiefly because of her hatred to the British. When Deane arrived, therefore, he was officially refused any assistance, but was semi-officially referred to Beaumarchais who imme-

* For details see Hale, *Franklin in France*, vol. i., chap. iii.; Trevelyan, *American Revolution*, vol. iv., pp. 424-432; Pitkin, *Political and Civil History of the United States*, vol. i., pp. 402-422.

* John Adams, *Works*, vol. i., p. 307.

† Wharton, *Diplomatic Correspondence of the Revolution*, vol. ii., p. 148.

diately delivered to Deane whatever he wished upon security of the shipment of cargoes of tobacco or other American produce.* It is estimated that during the existence of this firm, from 1776 to 1783, its disbursements amounted to more than 21,000,000 livres, the greater part of which was advanced for the American cause. Beaumarchais, however, had much difficulty in securing a settlement of his accounts from the Continental Congress, which was probably due to the enmity of Arthur Lee, who, because of his hatred of both Beaumarchais and Deane, sent to Congress reports which cast doubt upon the correctness of the accounts rendered. Consequently, Beaumarchais was unable to effect a settlement up to the time of his death (1779), and for many years after the subject was discussed at length in Congress, but finally, by the treaty of 1831, it was agreed that out of the sum to be paid by the United States, 800,000 francs should be given to the heirs of Beaumarchais.

The fictitious nature of the business of this firm was too thin to remain long unpenetrated by the British ambassador in France, but it served its purpose as a temporary expedient of the French government before an open alliance with the colonies could be effected and made public.

It had become apparent to Congress early in the war that France must ere

long openly espouse its cause. John Adams had urged that steps should be immediately taken to effect a treaty with that nation, and was very persistent in advocating this policy, saying, "Some gentlemen doubted of the sentiments of France, though she would frown upon us as rebels, and be afraid to countenance the example. I replied to these gentlemen, that I apprehended they had not attended to the relative situation of France and England; that it was the unquestionable interest of France that the British continental colonies should be independent; that Britain, by the conquest of Canada and her naval triumphs during the last war, and by her vast possessions, * * * was exalted to a height and preëminence that France must envy and could not endure. But there was more than pride and jealousy in the case. Her rank, her consideration in Europe, and even her safety and independence, were at stake." Congress finally yielded to the arguments of Adams, and in June, 1776, appointed Franklin, Adams, Robert Morris, Dickinson and Harrison a committee to prepare a formal treaty to be proposed to foreign powers. On July 10 the committee reported a plan, which, after being submitted and approved by Congress, was adopted September 17. This was chiefly the work of John Adams and consisted of thirty articles.* It was almost exclusively a

* Foster, *A Century of American Diplomacy*, p. 15.

* For text see Freeman Snow, *Treaties and Topics in American Diplomacy*, pp. 12-24. See

commercial treaty and called for no military aid or support. In his report Adams said: "Our negotiations with France ought to be conducted with great caution, and with all the foresight we could possibly obtain; we ought not to enter into any alliance which should entangle us in any future wars in Europe; * * * it would never be to our interest to unite with France in the destruction of England. * * * Therefore, in preparing treaties to be proposed to foreign powers, and in the instructions to be given to our ministers, we ought to confine ourselves strictly to a treaty of commerce; such a treaty would be ample compensation to France for all the aid we should want from her."*

Immediately after approving this plan, Congress appointed Franklin, Deane, and Thomas Jefferson commissioners to France.† But Jefferson, because of the illness of his wife, was unable to leave America.‡ Arthur Lee, then in London, was named in his place. Their letter of credence is interesting and was as follows:

"The Delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to all who shall see these presents; send greetings;—Whereas a trade, upon equal terms, between the sub-

also Moore, *American Diplomacy*, pp. 6-8; John Adams, *Works*, vol. i., p. 242.

* *Secret Journals of Congress*, vol. ii., p. 7.

† Parton, *Life of Franklin*, vol. ii., pp. 166-167.

‡ His reply to the President of Congress is given in Parton, *Life of Thomas Jefferson*, pp. 197-198. See also Ford's ed. of *Jefferson's Writings*, vol. i., p. 71, vol. ii., pp. 91-92.

jects of his most Christian Majesty, the King of France, and the people of these States, will be beneficial to both nations;—Know ye, therefore, that we, confiding in the prudence and integrity of Benjamin Franklin, one of the Delegates in Congress from the State of Pennsylvania, and President of the Convention of the said State, etc., Silas Deane, now in France, late a Delegate from the State of Connecticut; and Arthur Lee, barrister at law, have appointed and deputed, and by these presents do appoint and depute them, the said Benjamin Franklin, Silas Deane, and Arthur Lee, our Commissioners, giving and granting to them, the said Franklin, Deane, and Lee, or any two of them, and in the case of death, absence or disability of any two, or any one of them, full power to communicate, treat, agree and conclude with his most Christian Majesty, the King of France, or with such person or persons, as shall by him be for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable and universal peace for the defense, protection and safety of the navigation and mutual commerce of the subjects of his most Christian Majesty, and the people of the United States, and to do all other things, which may conduce to those desirable ends, and promising in good faith to ratify whatsoever our said Commissioners shall transact in the premises. Done in Congress, in Philadelphia, the thirtieth day of September, in the year of our Lord one thousand seven hundred and seventy-six."*

In addition to the letter of credence special instructions were prepared for the commissioners relative to their duties;‡ among the more important paragraphs being the following:

"You will solicit the court of France for an immediate supply of twenty or thirty thousand muskets and bayonets, and a large supply of ammunition, and brass field-pieces, to be sent under a convoy by France. The United States engage for the payment of the arms, artillery and ammunition, and to indemnify France for the convoy.

* *Secret Journals of Congress*, vol. ii., p. 32.

† Morse, *Life of Franklin*, p. 229; Hildreth, vol. iii., p. 178. See also the *Secret Journals of Congress*, vol. ii., pp. 6, 31, 35; Force, *American Archives*, 5th series, vol. ii., pp. 1198, 1212-1216, 1237; Tower, *Marquis de LaFayette*, vol. i., pp. 161-162.

"Engage a few good engineers in the service of the United States.

"It is highly probable that France means not to let the United States sink in the present contest. But as the difficulty of obtaining true accounts of our condition may cause an opinion to be entertained that we are able to support the war on our own strength and resources longer than, in fact, we can do, it will be proper for you to press for the immediate and explicit declaration of France in our favor, upon a suggestion, that a re-union with Great Britain, may be the consequence of a delay.

"Should Spain be disinclined to our cause, from an apprehension of danger to her dominions in South America, you are empowered to give the strongest assurances, that that crown will receive no molestation from the United States, in the possession of those territories."*

At the time of these appointments, Deane was already in Paris discharging the duties of private agent, and Lee soon after went from London to join him. Franklin started from America at the earliest possible moment, and when the news of his landing reached Paris, Lord Stormont, the British ambassador, threatened to leave the country if the "chief of the American rebels" were permitted to enter the city. Vergennes pacified Stormont by saying that a messenger would be sent to forbid Franklin to enter the capital, but should this messenger perchance miss Franklin, the government would not send him away "because of the scandalous scene this would present to all France, should we respect neither the laws of nations nor of hospitalities." Vergennes saw to it that Franklin and the

messenger did not meet, and soon the three commissioners were hard at work at the task before them. Soon after Franklin arrived the commissioners were received in private audience by Vergennes at which time they presented the first formal diplomatic communication made on behalf of the United States to a foreign power.* Regarding this interview, they said: "It was evident that this court, while it treated us privately with all civility, was cautious of giving umbrage to England, and was, therefore, desirous of avoiding open reception and acknowledgment of us, or entering into any formal negotiations with us, as ministers from Congress."† In October these commissioners were instructed to purchase from the French government eight line-of-battle ships and to equip them at the earliest possible moment.

On arriving in Paris in December, Franklin and Lee immediately put themselves into communication with Vergennes,‡ but for some time their labors availed little. The French were not yet ready to acknowledge the independence of America or openly to espouse the American cause. It was evident that the French had

* Moore, *American Diplomacy*, p. 8.

† Wharton, *Diplomatic Correspondence of the Revolution*, vol. ii., p. 283.

‡ Hale, *Franklin in France*, vol. i., pp. 48 et seq., 142; Wharton, *Diplomatic Correspondence*, vol. ii., p. 239; Weld, *Life of Franklin*, pp. 492-493; Tower, *Marquis de LaFayette*, vol. i., pp. 162-165. For the results, see Bancroft, vol. v., p. 126 et seq. On Lee's conduct see Trevelyan, *American Revolution*, vol. iv., p. 442 et seq.

* The instructions are given in full in E. E. Hale, *Franklin in France*, vol. i., pp. 61-65; Snow, *Treaties and Topics in American Diplomacy*, pp. 24-26.

determined to follow a cautious and prudent course and wished to obtain concessions from the Americans in proportion to the benefits they bestowed.* By this time Vergennes had obtained the consent of Spain to join her in a war against England, but just at this moment came news of the defeat on Long Island, and this unexpected announcement dashed the hopes of Vergennes and completely disarranged his plans.† Because of the discouragements consequent upon the failure of the campaign of 1776, Congress redoubled its efforts to secure aid from foreign nations, appointing a committee to prepare a plan for this purpose. When the plan proposed by this committee was taken under consideration, a heated debate followed. Some of the members wished to sacrifice almost everything to obtain the aid of France, and were willing to offer her almost the same monopoly of American commerce as Great Britain had enjoyed prior to the outbreak of the war. On December 30, 1776, a resolution was adopted in Congress to send commissioners to the courts of Vienna, Spain, and Prussia, and to the grand duke of Tuscany. These commissioners were instructed to assure these courts that the Americans would persist in the contest until independence had been attained. They were also to use their utmost endeavors to procure assist-

ance from the Emperor of Germany and the Kings of France, Spain, and Prussia in preventing the employment by England of German and other foreign troops in the conflict with America.

To induce France to lend her aid, the American commissioners were authorized to guarantee that all trade between the United States and the West India Islands should be carried on either in American or French vessels; they should assure the French king that, if by any means the British should be excluded from the American cod-fisheries by the reduction of Newfoundland and Cape Breton, ships of war should be furnished at the expense of the United States for the purpose of reducing Nova Scotia, and the cod-fishery would be equally enjoyed by France and America to the exclusion of other nations; and that one-half of Newfoundland should belong to France, while the other half, together with Cape Breton and Nova Scotia, should belong to the United States.* In the event of these offers being insufficient to obtain the coöperation of France, the commissioners were authorized to assure the French king that if any of the West Indies should be conquered during the course of the war, these islands would be given to him in absolute property, the United

* Tower, *Marquis de LaFayette*, vol. i., p. 166 et seq.

† *Ibid.*, vol. i., p. 155.

* See John Bassett Moore, *The Beginnings of American Diplomacy*, in *Harper's Magazine*, vol. cviii., p. 500 et seq.

States engaging to furnish sufficient help in the way of armed vessels and supplies for this purpose. Offers of a similar nature were to be made to the king of Spain. Franklin was also appointed commissioner to Spain, but affairs in France consumed his entire time and Arthur Lee was afterward sent to that country in his place. Ralph Izard was appointed commissioner to the Duke of Tuscany, and William Lee to the courts of Berlin and Vienna.

The French court, however, could not be induced to depart from the line of policy it had adopted, for at the present time it was awaiting the outcome of the efforts of the Americans for independence, and was unwilling to lend aid until assurance was given by the conduct of the war that ultimate success would be attained.* Nevertheless, the American commissioners were allowed to fit out a number of privateers to capture British vessels, and the prizes captured by these vessels were openly carried to and sold in France. This aroused the resentment of the British minister, Lord Stormont, and he indignantly complained of the course adopted by the French ministry. His remonstrances, however, only produced assurances that similar occurrences would not happen again, which in reality meant little or nothing.†

Negotiations dragged on day after day and week after week with little or no result, the commissioners being chiefly occupied in denying and contradicting the false statements regarding affairs in America circulated in every direction by the English emissaries.*

The English ministry was supported in both houses of Parliament by large majorities, the great body of people seeming to favor the further continuance of the attempt to subjugate the Americans. There was a small minority, however, including several men of distinguished talents, who vigorously opposed the measures of the administration, because they feared for the liberty of England in general should the court succeed in establishing its claim against the colonies. But the failure of the Americans to maintain their ground during the campaign of 1776 completely discouraged the opposition, and on the other hand, highly elated the court party. Nevertheless, the difficulties surrounding the ministry soon began to multiply; the war with America had shut off a large portion of the commerce with the West Indies, which brought on a scarcity of the necessities of life in those islands. The British forces there had been reduced to augment the forces in America, and when the British West India fleet was

* For the attitude of the French court see Tower, *The Marquis de La Fayette in the American Revolution*, vol. i., pp. 60-89.

† Bancroft, vol. v., p. 133; Tower, vol. i., p. 89

et seq.; Parton, *Life of Franklin*, vol. ii., pp. 189-199.

* The reader will find this subject more fully treated by Pitkin, vol. i., pp. 384-395.

ready to sail under convoy for England, it was discovered that, because of the weakness of the military forces in the islands, the negroes of Jamaica were planning an insurrection to overthrow the British power. Consequently, the ships of war were detained to suppress this insurrection, which gave the Americans time to equip their privateers. After the fleet had sailed, it was dispersed by stormy weather, and a large number of richly laden vessels fell into the hands of the American privateers, which, because of their sailing capacities, were able to dart in and seize the merchantmen and escape with the prize before the British men-of-war could intercept them. As already stated, these prizes were carried into the French and other continental ports and sold. The unfriendly attitude of the French was highly irritating to the British court, and finally a remonstrance was sent to the French ministry. The latter replied in high sounding terms, but did nothing to prevent the sailing of privateers from their ports; however, the traffic in British prizes was carried on somewhat more secretly. It was now plainly evident that France and Spain were making active preparations for a general war with England, and as the British ministry could not close their eyes to the actual facts in the case, about the middle of October, 1776, an additional fleet of sixteen ships was placed in commission.*

Upon the opening of Parliament October 21, 1776, the king in his speech from the throne regretted his inability to give a better account of the war in America and to say that the insurrection had been stopped and the people of the revolted colonies once again returned to their allegiance to the crown. But such was not the case for the colonists had openly abjured all connection and communication with the mother country and had refused to consider any proposal for reconciliation. He said that if the rebellion were not immediately stopped, much harm would come to British commerce, and if Parliament wished to end the rebellion at once, preparations should be promptly made for another campaign. He also expressed a hope that general conditions in Europe would remain tranquil, though he considered it wise to increase the defenses at home. The replies to this speech were drafted in the usual form, but amendments were suggested in both houses; in the Lords by the Marquis of Rockingham, and in the Commons by Lord John Cavendish. In the Commons the amendment was rejected by a vote of 242 against 87, and in the Lords, by a vote of 92 against 26. During this session of Parliament several attempts were made to secure the passage of conciliatory measures, but so great was the influence of the ministry that such

* On the situation in England at the end of

1776, see Trevelyan, *American Revolution*, vol. iii., p. 148 *et seq.*

schemes were decisively defeated, and the ministerial plan was adopted without great opposition.*

The victory of Saratoga, however, greatly changed the sentiment of Europe. It was evident that the colonies were determined to achieve independence of England and were not to be discouraged by reverses no matter how many or how severe. The victory, therefore, placed them in a better position to enter into foreign alliances in accordance with the dignity and importance of a free people. As previously stated, France had only been awaiting the positive assurance that the Americans would be able to continue the conflict before she openly became the ally of the new republic.† But even the victory of Saratoga did not give them this positive assurance, as the issue in America was still somewhat uncertain. It was feared by the French court that the colonies might be induced to accept terms of reconciliation with the mother country, even if they could not be subdued by arms; hence, if France should join the Americans and England should once concede the point in dispute with the colonies, France alone would be engaged in a war with England, and, in addition, would have the colonies to reckon with. Besides, there would be no special object to be gained in

such a struggle.* Consequently, France shaped her negotiations with the American commissioners so that the encouragement she held out was in proportion to the news of success or failure in America. While she protested her friendship to England, she secretly encouraged the Americans with aid and inflamed their ardor by continually promising future coöperation. Thus France was playing a double game—being pledged to neither party but simply awaiting the course of events.‡

The American commissioners, in every way possible, urged the court of France to come to some decision, but the French ministers, as usual, procrastinated, advancing a variety of excuses, and thereby keeping the Americans in constant uncertainty. Finally, about the middle of August, 1777, the commissioners drew up a strongly worded memorial suggesting that America might, after all, despairing of aid from France, abandon the conflict and yield to the demands of England, thus depriving France of those advantages which she would gain if England lost her rich and valuable colonies in America.‡ But this

* Trevelyan, p. 414; John Adams, *Works*, vol. i., p. 310.

† On European political conditions in general at this time see Bancroft, vol. v., pp. 226-243. On the French policy see also Fisher, *Struggle for American Independence*, vol. ii., pp. 113-115.

‡ Writing to Vergennes, Adams says: "America is now known all over Europe to be such a magazine of raw materials for manufactures, such a nursery of seamen, and such a source of commerce and naval power, that it would be dangerous to all the maritime powers to suffer any one of

* Bancroft, vol. v., pp. 53-58.

† On the state of European public opinion in general, see Trevelyan, *American Revolution*, vol. iv., p. 387 *et seq.*

memorial failed to produce the desired results, and England was again approached with a proposition to recognize the independence of the United States. It was represented that if the British ministry were capable of profiting by the occasion, it depended on them to stipulate an arrangement so conducive to the prosperity of Great Britain, that she would seek in vain to secure herself similar advantages by any other means. At this time, however, news of Burgoyne's first successes had just arrived in England, and being certain that Burgoyne would eventually conquer the American army opposing him, the British ministry rejected this proposition.

When news of the victory of Saratoga and the capture of Burgoyne's army reached Europe, a new aspect was given the American affairs.* The same express that carried to England the news of the surrender of Burgoyne† bore dispatches which insinuated that the Americans were becoming discouraged at the procrastinations of the French and were indignant that they had not received from the French court greater

succor in the midst of their various reverses. It was intimated that they were equally desirous of an accommodation with England and would conclude with her a treaty of commerce, if she in turn would acknowledge the independence of the colonies. It was suggested also that the colonies would be gratified at a reconciliation with the mother country, but if England should not see fit to yield to her demands, the colonies would enter into an alliance with the most inveterate and implacable enemies of England — France.

In November, 1777, Parliament prepared their addresses in answer to the royal speech. In the House of Lords, the Earl of Chatham introduced a resolution recommending that hostilities with America be stopped at once and a treaty of conciliation be drafted "to restore peace and liberty to America, strength and happiness to England, security and permanent prosperity to both countries." He very severely criticised the employment of savages as auxiliaries in the war, although it was true that their aid had not been disdained under his own administration,* but these proposals were rejected. On the other hand the ministerial measures were carried with large majorities. When Parliament received news of the victory of Saratoga, however, astonishment and dismay were everywhere plainly evident. The opposition at-

them to establish a domination and a monopoly again in America."—John Adams, *Works*, vol. i., p. 325.

* Wharton, *Diplomatic Correspondence of the Revolution*, vol. ii., p. 452; Tower, *Marquis de LaFayette*, vol. i., p. 309.

† The text of the dispatch from the Massachusetts Council, together with excerpts from the journal of the messenger, the note from Gates enclosing a copy of the convention, etc., are given in Hale, *Franklin in France*, vol. i., p. 155 *et seq.*

* Bancroft, vol. v., p. 224; Green, *William Pitt*, p. 356 *et seq.*; Harrison, *Chatham*, pp. 231–232.

tacked Lord North and the ministry,* who endeavored to shift the blame from themselves to the shoulders of the commanders in America. It was asserted that the ministry had taken every step to insure success, and deprecated condemnation of the position without full inquiry. Before anything could be done in this matter, however, Parliament adjourned to January 20, 1778.†

At this time the British ministry was anxious to terminate the conflict with America before hostilities should commence with France. Consequently, on February 17, 1778, two bills were introduced in Commons. The first declared that Parliament would impose no duty or tax whatever, payable within any of the American colonies, with the exception of such duties as might be imposed for commercial purposes, but the net produce of which should always be paid and applied to and for the use of the colonies in which such duties were levied. The second authorized the appointment by the crown of commissioners to treat with the colonies or with individuals in the colonies with the object of settling the differences, the stipulation being made, however, that nothing they should do would be binding until Parliament had ap-

proved their acts. The commissioners were empowered to proclaim a cessation of hostilities and to suspend the operation of the Non-Intercourse Act; during the continuance of the act to suspend all or any parts of the acts of Parliament passed since February 10, 1763, relating to the colonies; to grant pardons; and to appoint a governor in any colony wherein the king had heretofore exercised the power of making such appointments. This act was to remain in force until June 1, 1779.* The bills were passed and on March 11 received the royal signature.†

When news of the introduction of Lord North's conciliatory bill reached France, the French government realized that the time had come when they must act with some decision. Accordingly, on December 17, Conrad Alexander Gérard notified the American commissioners "that after a long and mature deliberation upon their propositions, his majesty had

* Trevelyan, *American Revolution*, vol. iv., pp. 356-357; Bancroft, vol. v., pp. 247-248; Fiske, *American Revolution*, vol. ii., p. 7 *et seq.*; Reed, *Life of Joseph Reed*, vol. i., pp. 371-399.

† Writing to the President of Congress, July 27, 1778, John Adams says: "The King of Great Britain and his council have determined to send instructions to their commissioners in America to offer us independency, provided we make peace with them, separate from France. This appears to me to be the last effort to seduce, deceive, and divide. They know that every man of honor in America must receive this proposition with indignation. But they think they can get the men of no honor to join them by such a proposal, and they think the men of honor are not a majority. What has America done to give occasion to that King and council to think so unworthily of her." — John Adams, *Works*, vol. vii., p. 21.

* See the quotations from Chatham's speech in Lossing, *Field-Book of the Revolution*, vol. i., p. 84. See also the excerpt from the Journal of Austin in Hale, *Franklin in France*, vol. i., p. 163 *et seq.*

† Pitkin, vol. i., p. 397; *Annual Register*, 1778, p. 74.

determined to recognize the independence of, and to enter into a treaty of commerce and alliance with, the United States of America; and that he would not only acknowledge their independence, but actually support it with all the means in his power, that perhaps he was about to engage himself in an expensive war upon this account, but that he did not expect to be reimbursed by them; in fine, the Americans were not to think that he had entered into this resolution solely with a view of serving them, since, independently of his real attachment to them and their cause, it was evidently the interest of France to diminish the power of England by severing her colonies from her."* Therefore, on February 6, 1778, Franklin, Deane, and Lee on behalf of the United States, and Gérard for France, signed a treaty of commerce and a treaty of defensive alliance in case war should be the consequence of this commercial connection.† The direct end of this alliance was "to maintain the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of government as of commerce."‡ The French government then sent notice of this

treaty to London, the notice closing with the following paragraphs:

"In making this communication to the Court of London, the king is firmly persuaded, that it will find in it fresh proofs of his majesty's constant and sincere dispositions for peace; and that his Britannic majesty, animated by the same sentiments, will equally avoid every thing that may interrupt good harmony; and that he will take, in particular, effectual measures to hinder the commerce of his majesty's subjects with the United States of America from being disturbed, and cause to be observed, in this respect, the usages received between trading nations and the rules that may be considered as subsisting between the crowns of France and Great Britain.

"In this just confidence, the underwritten ambassador might think it superfluous to apprise the British ministry, that the king, his master, being determined effectually to protect the lawful freedom of the commerce of his subjects, and to sustain the honor of his flag, his majesty has taken in consequence eventual measures, in concert with the United States of North America."

Meanwhile copies of Lord North's conciliatory bills had been sent to America, where they arrived about the middle of April, 1778. Governor Tryon caused them to be printed and sent copies to Washington, requesting in the letter that he aid in circulating them, "that the people at large might be acquainted with the favorable disposition of Great Britain toward the American colonies."* Washington forwarded the papers to Congress. Had the British been disposed to offer the same terms prior to the outbreak of hostilities, it is probable that

* See Franklin's report to Congress, in Wharton, *Diplomatic Correspondence*, vol. ii., p. 452; also Tower, *Marquis de LaFayette*, vol. i., pp. 313-315; Parton, *Life of Franklin*, vol. ii., p. 288 *et seq.*

† See *Treaties and Conventions of the United States*, pp. 296-310; Snow, *Treaties and Topics in American Diplomacy*, pp. 26-35. See also the letter from Franklin and Deane in Wharton, *Diplomatic Correspondence*, vol. ii., p. 490.

‡ See Bancroft, vol. v., pp. 244-246; Fisher,

Struggle for American Independence, vol. ii., p. 115 *et seq.*; Parton, *Life of Franklin*, vol. ii., p. 293 *et seq.*; Trevelyan, *American Revolution*, vol. iv., p. 472 *et seq.*; Morse, *Life of Franklin*, pp. 267-276; Hale, *Franklin in France*, vol. i., p. 175 *et seq.*

* Trevelyan, *American Revolution*, vol. iv., pp. 360-361; Irving, *Life of Washington*, vol. iii., p. 422.

great satisfaction would have resulted, but at the present juncture the condition of affairs was very different. The colonies had declared themselves to be independent and were now determined to fight for their independence. Washington himself urged that nothing less than independence would be satisfactory, and no terms short of this would be considered — “a peace on other terms, if I may be allowed the expression, would be a peace of war.”* The majority of the members of Congress held the same view, and on April 22 it was unanimously resolved that the offers of the British ministry be rejected. At the same time bills regarding the proceedings in connection with the rejection of these offers were ordered to be printed and widely circulated.† This action had been taken ten days before news arrived that a treaty had been concluded between France and the United States.

When the conclusion of the treaty became known, May 2, there was great rejoicing throughout the land.‡ The treaties were immediately ratified by Congress, and on May 6 Wash-

ington issued orders that the whole army in camp at Valley Forge should participate in the general joy and satisfaction; and a celebration in honor of the event concluded with an entertainment, music, toasts, etc.‡ In a few days Congress prepared an “Address to the Inhabitants of the United States” recommending that it be read in churches of all denominations. We quote a paragraph or two from the address:

“The haughty prince who spurned us from his feet with contumely and disdain, and the Parliament which proscribed us, now descend to offer terms of accommodation. Whilst in the full career of victory, they pulled off the mask, and avowed their intended despotism. But having lavished in vain the blood and treasure of their subjects in pursuit of this execrable purpose, they now endeavor to ensnare us with the insidious offers of a reconciliation. They intend to lull you with fallacious hopes of peace, until they can assemble new armies to prosecute their nefarious designs. If this is not the case, why do they strain every nerve to levy men throughout their islands? why do they meanly court every little tyrant of Europe to sell them his unhappy slaves? why do they continue to embitter the minds of the savages against you? Surely this is not the way to conciliate the affections of America. Be not, therefore, deceived. You have still to expect one severe conflict. Your foreign alliances, though they secure your independence, cannot secure your country from desolation, your habitations from plunder, your wives from insult or violation, nor your children from

glory in a particular manner, belongs to the Count de Vergennes, who, as his Most Christian Majesty's minister of foreign affairs, conducted the conferences which terminated in these treaties.” — Ramsay, *History of the American Revolution*, p. 379.

* Sparks' ed. of *Washington's Writings*, vol. v., p. 355.

† Thacher, *Military Journal*, p. 124 *et seq.*; Tower, *Marquis de LaFayette*, vol. i., p. 318 *et seq.*; Lossing, *Field-Book of the Revolution*, vol. ii., p. 140; Kapp, *Life of Kalb*, p. 157 *et seq.* and *Life of Steuben*, p. 139 *et seq.*; Parton, *Life of Franklin*, vol. ii., pp. 317–319.

* Sparks, *Life of Washington*, p. 265; Irving, p. 422.

† See Washington's ironical letter forwarding copies of these bills to Tryon, in Irving, *Life of Washington*, vol. iii., pp. 423–424.

‡ “In national events, the public attention is generally fixed on the movements of armies and fleets. Mankind never fail to do homage to the able general and expert admiral. To this they are justly entitled; but as great a tribute is due to the statesman, who, from a more elevated station, determines on measures in which the general safety and welfare of empires are involved. This

butchery. Foiled in their principal design, you must expect to feel the rage of disappointed ambition. Arise then! to your tents! and gird you for battle! It is time to turn the headlong current of vengeance upon the head of the destroyer. They have filled up the measure of their abominations, and like ripe fruit, must soon drop from the tree. Although much is done, yet much remains to do. Expect not peace, whilst any corner of America is in possession of your foes. You must drive them away from this land of promise, a land flowing indeed with milk and honey. Your brethren at the extremities of the continent, already implore your friendship and protection. It is your duty to grant their request. They hunger and thirst after liberty. Be it yours, to dispense to them the heavenly gift. And what is there now to prevent it?"

Early in June Frederick Howard, the Earl of Carlisle, George Johnstone and William Eden, afterward Lord Auckland, the British commissioners, arrived in Philadelphia.* For the secretary of the commissioners, Dr. Adam Ferguson, Sir Henry Clinton, who had now succeeded Howe as commander-in-chief, requested a passport to go to Yorktown so that he might lay certain papers before Congress. Washington thought that this matter was not within his province and declined until he should receive advices from Congress, who sustained him in refusing the passport.† Thereupon the commissioners sent the papers, addressed to the president of Congress,

through the ordinary medium of a flag of truce.* In their letter, the commissioners offered to discontinue hostilities immediately, to agree that no military force should be maintained in the colonies, unless by the consent of Congress, and also that the right of taxation of tea would be relinquished and representation of the colonies in Parliament be provided. They promised also to pay off at the earliest possible date such paper money as had been issued and was then in circulation. Although the commissioners offered every inducement, the terms fell short of giving independence, and consequently, having so long sustained the struggle alone, the colonists were not likely to submit now that the support of France was assured.† Congress, therefore, directed the president of that body to write the British commissioners, which he did as follows:

"I have received the letter from your Excellencies, dated the 9th instant, with the enclosures, and laid them before Congress. Nothing but an earnest desire to spare the further effusion of human blood could have induced them to read a paper containing expressions so disrespectful to his Most Christian Majesty, the good and great ally of these States, or to consider propositions so

* Acting under a strong impulse, Lafayette sent a challenge to the Earl of Carlisle, who, as he thought, had impeached the honor of France in the communications made by the commissioners to Congress. The Earl declined a resort to this barbarous mode of settling the points in dispute. See Lafayette's and D'Estaing's letters to Washington asking his advice as to Lafayette's course regarding this. Sparks, *Correspondence of the Revolution*, vol. ii., pp. 209-210, 213-214, 224-226; also Tower, *Marquis de LaFayette*, vol. ii., p. 31 et seq.

† See Ramsey, *American Revolution*, vol. i., pp. 395-400.

* Mahon, *History of England*, vol. vi., p. 246 (ed. of 1853). For their instructions see Reed, *Life of Joseph Reed*, vol. i., pp. 430-436.

† See Laurens' letter to Johnstone in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 136-137; Irving, *Life of Washington*, vol. iii., pp. 437-438; Trevelyan, *American Revolution*, vol. iv., p. 365; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 143-144.

derogatory to the honor of an independent nation. The acts of the British Parliament, the commission from your sovereign, and your letter, suppose the people of these States to be the subjects of the crown of Great Britain, and are founded on the idea of dependence, which is utterly inadmissible. I am further directed to inform your Excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it hath been conducted. They will therefore be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the king of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition will be an explicit acknowledgment of these States, or the withdrawing of his fleet and armies."*

On October 3 the commissioners published a final manifesto to the American people, to which on the 10th Congress replied by a cautionary declaration. Thacher in his *Military Journal* (p. 139) says that "Governor Johnstone, one of the commissioners, with inexcusable effrontery, offered a bribe to Mr. Reed, a member

of Congress. In an interview with Mrs. Ferguson at Philadelphia, whose husband [Hugh Ferguson] was a royalist, he desired she should mention to Mr. Reed, that if he would engage his interest to promote the object of their commission, he might have any office in the colonies, in the gift of his Britannic majesty, and ten thousand pounds in hand. Having solicited an interview with Mr. Reed, Mrs. Ferguson made her communication. Spurning the idea of being purchased, he replied, 'that he was not worth purchasing, but such as he was the king of Great Britain was not rich enough to do it.'"*

No overtures, however, were made to the commissioners from any quarter, and though they made many and various attempts to accomplish the object of their mission, they were finally compelled to return to England baffled and disappointed.†

* *Journals of Congress*, vol. ii., pp. 345, 521-524, 588-592; Ramsey, *American Revolution*, vol. i., p. 402; Fisher, *Struggle for American Independence*, vol. ii., pp. 165-168. Patrick Henry in a letter to Richard Henry Lee on June 18 says: "Surely Congress will never recede from our French friends. Salvation to America depends upon holding fast our attachment to them. I shall date our ruin from the moment that it is exchanged for anything Great Britain can say or do. She can never be cordial with us. Baffled, defeated, disgraced by her colonies, she will ever meditate revenge. We can find no safety but in her ruin, or, at least, in her extreme humiliation; which has not happened and cannot happen, until she is deluged with blood, or thoroughly purged by a revolution, which shall wipe from existence the present king with his connections, and the present system with those who aid and abet it."—Tyler, *Life of Patrick Henry*, p. 227; Lee, *Life of Richard Henry Lee*, vol. i., pp. 195-196; Henry, *Life of Patrick Henry*, vol. i., p. 565.

* See Reed, *Life of Joseph Reed*, vol. i., p. 384 et seq.; Mrs. Ellett, *Women of the Revolution*, vol. i., p. 196; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 144-145.

† Fisher, *Struggle for American Independence*, vol. ii., pp. 170 et seq.. Lord Carlisle, in writing to a friend, said: "I enclose you our manifesto which you will never read. 'Tis sort of a dying speech of the commission: an effort from which I expect little success. * * * Everything is upon a great scale upon this continent. The rivers are immense; the climate violent in heat and cold; the prospects magnificent; the thunder and lightning tremendous. The disorders incident to the country make every constitution tremble. We have nothing on a great scale with us but our blunders, our misconduct, our losses, our disgraces and misfortunes, that will mark the reign of a prince, who deserves better treatment and kinder fortunes."—Irving, *Life of Washington*, vol. iii., pp. 440-441.

CHAPTER XX.

1777-1778.

ARTICLES OF CONFEDERATION AND FINANCES.

Franklin's plan of confederation between the colonies — Debates upon it in Congress — Need of confederation evident — Articles finally adopted for recommendation to States — Circular letter of Congress — Its adoption by the States — Loans authorized — Depreciation of currency — Attempt to regulate prices — Loyalists' property sold — Returns meagre — Cause of high prices. — Appendix to Chapter XX — Articles of Confederation.

Meanwhile Congress had taken a step of the highest importance. It had long since become plainly evident that some form of confederation between the States was necessary; and immediately after declaring independence, Congress took the matter under consideration. As early as July 12, 1775, Franklin had introduced in Congress a sketch of some articles of confederation between the colonies which he thought ought to be adopted. "His plan was perfectly simple; it proposed little more than to make the existing state of things perpetual; each colony to retain its internal independence, but to confide to a Congress, annually elected, its external affairs, particularly the measures of resistance to ministerial oppression. The supreme executive authority of the confederacy, he proposed, should be vested in a council of twelve, elected by the Congress. All the British colonies, including *Ireland*, Canada, the West Indies, Bermuda, Nova Scotia, Florida, and the thirteen already represented, should be invited to join. The Union

was to last until Great Britain should cease to oppress, and make restitution for past injuries; failing which, it should endure forever. This Plan of Union, it appears, was referred to a Committee, and it may have been discussed by the House. It was not acted upon; the time was not ripe for it, and the conservative members were aware that the very idea of a union of the colonies was, of all things, the most abominable in the eyes of George III., whom the House had just humbly petitioned."* On June 7, 1776, a committee consisting of one member from each colony was appointed to prepare a plan of confederation and report it to Congress. On July 12, eight days after the Declaration of Independence, this committee reported, and the scheme they proposed was debated in Committee of the Whole almost daily until August 20, when a new draft was reported.† Nothing was done at this

* Parton, *Life of Franklin*, vol. ii., p. 86.

† See the *Secret Journals of Congress*, vol. i., pp. 290-315; *Jefferson's Works*, vol. i., pp. 26-35; *John Adams, Works*, vol. ii., pp. 492-502, vol. iii., p. 61 *et seq.*; Curtis, *Constitutional History*, vol.

time, however, and the entire matter was dropped, not being taken up again until April of the following year (1777). To agree upon any set form by which the colonies could operate together was difficult, chiefly because of the variety of interests involved and the tenacious regard for State rights and State sovereignty entertained by the various colonies.* Nevertheless, it was plain that something must be done, for under the present conditions Congress had no powers or rights for carrying out its resolves, except in so far as the States themselves chose to recognize them. Congress could not efficiently discharge the duties expected of it, and interest in its affairs was gradually declining, so that if something were not done immediately, it would soon become a negligible quantity in the affairs of the country.

Consequently, in October, 1777, after Congress had been compelled to retire to Yorktown, the Articles of Federation were taken under consideration and debated day after day until the middle of November.† After

the various provisions of the Articles had been scrutinized and discussed from every viewpoint, they were adopted for recommendation to the States,* and the following circular letter was sent out, urging that the various legislatures adopt them:

"In Congress, Yorktown, November 17th, 1777.

"Congress having agreed upon a plan of confederacy for securing the freedom, sovereignty, and independence of the United States, authentic copies are now transmitted for the consideration of the respective legislatures.

"The business, equally intricate and important, has in its progress been attended with uncommon embarrassments and delay, which the most anxious solicitude and persevering diligence could not prevent. To form a permanent union, accommodated to the opinion and wishes of the delegates of so many states differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish.

"Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular state. Let it be remarked that, after the most careful inquiry and the fullest information, this is proposed as the best which could be adapted to the circumstances of all, and as that alone which affords any tolerable prospect of general satisfaction.

"Permit us, then, earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our counsels and all our strength to maintain and defend our common liberties; let them be examined with a liberality becoming brethren and fellow-citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in

History, vol. i., pp. 78-79. See also *Justice Story, Commentaries on the Constitution*, vol. i., p. 162 et seq. (5th ed., 1891).

* See Appendix at the end of the present chapter.

i., pp. 36-37; Ford's ed. of *Jefferson's Writings*, vol. i., p. 38 et seq.

* Bancroft, vol. v., pp. 10-15. See also Thorpe, *The Story of the Constitution*, p. 75 et seq.

† On the debates, the duties and work of Congress, and State sovereignty in general, see the illuminating chapter on "State Sovereignty and Confederation" in Van Tyne, *American Revolution*, pp. 175-202. See also Morse, *John Adams*; A. W. Small, *The Beginning of American Nationality*, in *J. H. U. Studies*, 8th series, nos. i.-ii.; the *Journals of Congress*; John Adams, *Familiar Letters*; Harley, *Life of Charles Thomson*; Bancroft, vol. v., pp. 199-208; Curtis, *Constitutional*

being forever bound and connected together by ties the most intimate and indissoluble; and, finally, let them be adjusted with the temper and unanimity of wise and patriotic legislators, who, while they are concerned for the prosperity of their more immediate circle, and capable of rising superior to local attachments when they may be incompatible with the safety, happiness, and glory of the general confederacy.

"We have reason to regret the time which has elapsed in preparing this plan for consideration; with additional solicitude, we look forward to that which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

"More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add weight and respect to our counsels at home and to our treaties abroad.

"In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it, we may soon be constrained to bid adieu to independence, to liberty, and to safety—blessings which, from the justice of our cause, and the favor of our Almighty Creator visibly manifested in our protection, we have reason to expect, if, in an humble dependence on his divine providence, we strenuously exert the means which are placed in our power.

"To conclude, if the legislature of any state shall not be assembled, Congress recommend to the executive authority to convene it without delay; and to each respective legislature, it is recommended to invest its delegates with competent laws ultimately, in the name and behalf of the state, to subscribe Articles of Confederation and Perpetual Union of the United States; and to attend Congress for that purpose on or before the tenth day of March next [1778]."

The Articles were then adopted by the various State legislatures. For some time the smaller States, such as

Rhode Island,* Delaware, Maryland, and New Jersey, hesitated to adopt them, principally because the question as to whom the western territory of the United States belonged was not yet settled. Finally, however, this question was settled to the satisfaction of all concerned as will be explained later, chiefly through the obstinate course of Maryland, which State refused to ratify the Articles until the western claims had been ceded to the Confederation. All the States had ratified the Articles by March 1, 1781.

The condition of the finances at this time was a subject for most earnest deliberation. Early in the year, \$10,000,000 of new bills had been authorized and \$2,000,000 were added in August. Anxious to maintain a surplus in the treasury without further issues, Congress had pressed the subject of loans, and in order to induce lenders to bring forth money, had offered to pay the interest on all money advanced before March, 1778, in bills drawn on their commissioners in France. This inducement, however, availed little, and in November, 1777, it became necessary to authorize \$1,000,000 in Continental bills, and in December \$1,000,000 more, thus making the total amount issued up to the end of the year \$34,000,000. Meanwhile the depreciation had become alarming, the bills which in the early part of the year had been

* Curtis, *Constitutional History*, vol. i., pp. 699-700. For the articles themselves see pp. 713-719. See also for text of articles MacDonald, *Select Documents*, pp. 6-15; Thorpe, *Federal and State Constitutions*, vol. i., pp. 9-17.

* See Bates, *Rhode Island in the Formation of the Union*, pp. 67-71.

nearly at par, now sinking to three or four for one.* Congress therefore looked abroad for aid, instructing their commissioners in France and Spain to exert their utmost endeavors to obtain loans.†

In addition, the scheme for regulating prices by law also proved a failure, and a convention of delegates from New England and New York, which had met at Springfield in July to adopt measures for the defence of Rhode Island and for an attack on Newport, recommended that the acts regulating prices be repealed. It was urged that laws be enacted as substitutes prohibiting the accumulation of stocks in the hands of merchants and speculators. The convention suggested also the redemption of all State issues, and the levying of taxes for the support of the war. Upon receiving the proceedings of this convention, Congress acknowledged that the issues of paper were excessive and urged the several States to raise \$5,000,000 by taxation for the use of the Continental treasury during the ensuing year.‡ Congress recommended also that the States refrain from issuing more bills of credit; that they redeem those already issued; and that in future the State expenses be met by taxes levied within the year. It was proposed, too, that early in the

next year three committees should meet (one for the eight northern States, another for Maryland, Virginia, and North Carolina, and the third for South Carolina and Georgia) for the purpose of fixing a new scale of prices, which would be enforced by the several State legislatures, the Continental commissaries being allowed to seize goods at those prices when those who held superfluous stocks refused to sell them.*

Congress further recommended that all property belonging to persons "who had forfeited the right to the protection of their several states" be sold and that the proceeds be invested in loan-office certificates. Several of the States followed this advice, but the financial returns were meagre and the loans operated chiefly to enrich speculators and to allow some to gratify their desire for personal vengeance.

The condition of the army also compelled Congress to recommend that acts be passed authorizing the seizure of all woolens, blankets, stockings, shoes, hats, and all stock and provisions that were for sale, for which receipts were to be given, and to inflict penalties upon all persons who refused to allow such seizure. In order to prevent any from procuring "enormous gains," it was recommended that the number of retail traders be limited and that these be bonded for the proper observance of

* Early in 1777, Pennsylvania by law recognized the depreciation to the extent of 33½ per cent. Phillips, *American Paper Currency*, vol. i., p. 33.

† Hildreth, vol. iii., p. 227.

‡ Bancroft, vol. v., p. 291.

* Hildreth, vol. iii., pp. 227-228; Bancroft, vol. v., p. 291.

the laws made for their regulation. Congress was conscious of the arbitrary harshness of these measures, but recently it had been ascertained that some traders were reaping enormous profits from their sales to the hard pressed and needy government, and Congress felt that "laws unworthy the character of infant republics are become necessary to supply the defects of public virtue, and to correct the vices of some of her sons." *

Probably the chief causes of the high prices were the increased expenditures of the government, the great depreciation in the value of

paper money, and the scarcity of manufactured goods, particularly blankets and clothing, due to the interruption of commerce and the non-arrival of expected goods from France. The Continental treasury had been depleted by the sum of about \$25,000,000, in specie value, which was larger by \$5,000,000 than the total for the two preceding years. The States had made large advances in paper money, and otherwise, which more than balanced the outgo from the Continental treasury, but these advances burdened the States with heavy debts, and they were unable to continue them.

APPENDIX TO CHAPTER XX.

ARTICLES OF CONFEDERATION.

To all whom these presents shall come, we, the undersigned, delegates of the states affixed to our names send greeting.

WHEREAS, the delegates of the United States of America in Congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain Articles of Confedera-

tion and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz:—

Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

ARTICLE 1. The style of this confederacy shall be, "The United States of America."

ARTICLE 2. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ARTICLE 3. The said states hereby severally enter into a firm league of friendship with each

other, for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE 4. The better to secure and perpetuate mutual friendship, and intercourse among the people of the different states in this Union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice, excepted, shall

* Hildreth, vol. iii., pp. 229-230. See also Oberholzer, *Life of Morris*, pp. 48-51.

be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any state on the property of the United States or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor, in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ARTICLE 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emoluments of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE 6. No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessel of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress as-

sembled, unless such state be infested by pirates in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in Congress assembled.

ARTICLE 9. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances—provided, that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace, appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures—provided, that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes

and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges, to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive, and if any of the parties shall refuse to submit to the authority of such court, or to appear, or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings, being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward:" provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions, as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs with the Indians not members of any of the states; provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating post-offices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office—appointing all officers of the land forces in the service of the United States excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated “a committee of the states,” and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years—to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money or emit bills on the credit of the United States, transmitting every half-year to the respective states an account of the sums of money so borrowed or emitted—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in pro-

portion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled: but if the United States in Congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped, in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot safely be spared out of the same; in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state or any of

them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of nine states in the Congress of the United States assembled is requisite.

ARTICLE 11. Canada, acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to, all the advantages of this Union; but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

ARTICLE 12. All bills of credit emitted, moneys borrowed, and debts contracted, by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE 13. Every state shall abide by the decision of the United States in Congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterward confirmed by the legislature of every state.

And whereas it has pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of and to authorize us to ratify the said Articles of Confederation and perpetual Union: *know ye*, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which, by the said con-

federation, are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the Union be perpetual.

In witness whereof, we have hereunto set our hands, in Congress. Done at Philadelphia, in the state of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

New Hampshire.

JOSIAH BARTLETT, JOHN WENTWORTH, JR.

Massachusetts Bay.

JOHN HANCOCK, FRANCIS DANA,
SAMUEL ADAMS, JAMES LOVELL,
ELBRIDGE GERRY, SAMUEL HOLTEN.

Rhode Island.

WILLIAM ELLERY, JOHN COLLINS.
HENRY MARCHANT,

Connecticut.

ROGER SHERMAN, OLIVER WOLCOTT,
SAMUEL HUNTING- ANDREW ADAMS.
TON, TITUS HOSMER,

New York.

JAMES DUANE, WILLIAM DUER,
FRANCIS LEWIS, GOUVERNEUR MORRIS.

New Jersey.

JOHN WITHER- NATH. SCUDDER.
SPOON,

Pennsylvania.

ROBERT MORRIS, WILLIAM CLINGAN,
DANIEL ROBER- JOSEPH REED.
DEAU,
JONATH. BAYARD
SMITH,

Delaware.

THOMAS M'KEAN, NICHOLAS VAN DYKE.
JOHN DICKINSON,

Maryland.

JOHN HANSON, DANIEL CARROLL.

Virginia.

RICHARD HENRY JOHN HARVIE,
LEE, FRANCIS LIGHTFOOT
JOHN BANISTER, LEE.
THOMAS ADAMS,

South Carolina.

HENRY LAURENS, JOHN MATTHEWS,
WILLIAM HENRY RICHARD HUTSON,
DRAYTON, THOMAS HEYWARD, JR.

North Carolina.

JOHN PENN, JOHN WILLIAMS.
CONSTABLE HARNETT,

Georgia.

JOHN WALTON, ED. LANGWORTHY.
EDWARD TELFAIR,

CHAPTER XXI.

1778.

CLINTON EVACUATES PHILADELPHIA AND RETREATS ACROSS JERSEY.

Straitened conditions of the British army at Philadelphia — Mawhood's foraging expedition — Howe succeeded in command by Clinton — Lafayette's escape at Barren Hill — Clinton ordered to evacuate Philadelphia — Arnold takes possession — Comparison of the two armies — Washington at Hopewell — The battle of Monmouth — Retreat of the British to New York — Losses in the battle — Court-martial of General Lee.

The position of the British army in Philadelphia had not been the most comfortable, for during the winter and spring of 1778 Washington had been quite active in cutting off forage and fresh provisions. A large number of the people of Pennsylvania favored the British cause and were desirous of supplying the troops with fresh provisions; others, though favoring the patriot cause, were only too willing to take their produce to the British camp, where they received gold and silver in payment, rather than to the American camp, where nothing but certificates of uncertain value could be had.* But because of Washington's activities, it was not easy nor safe to go to Philadelphia. Several bodies of troops, chiefly the light cavalry under Henry Lee, and

the troops under Wayne, were sent out to intercept the farmers on their way to Philadelphia, and these troops not only took the provisions without payment, but often inflicted corporal punishment.* Consequently, during the early part of 1778, the British undertook to procure supplies for the army by predatory expeditions. About the middle of March, 1778, Lieutenant-colonel Mawhood and Colonel (afterward Lieutenant-colonel) J. Graves Simcoe, with a strong detachment, made a foraging expedition into New Jersey in the vicinity of Salem. Acting in accordance with the proclamation of the royal commissioners that the horrors of war would be increased unless the colo-

* Van Tyne, *American Revolution*, p. 244; Fisher, *Struggle for American Independence*, vol. ii., p. 130 *et seq.*

* Greene, *Life of Greene*, vol. i., p. 557; Ford's edition of Washington's *Writings*, vol. vi., pp. 249, 295, 367-368; Gordon, *American Revolution*, vol. iii., pp. 52-65 (ed. 1788); Trevelyan, *American Revolution*, vol. iv., pp. 343-344; Stille, *Wayne and the Pennsylvania Line*, p. 130 *et seq.*

nies submitted, the troops comprising this expedition murdered some 50 or 60 of the militia and returned to Philadelphia with little loss.* Two months later, on May 4, a detachment of British encountered a small body of militia at Crooked Billet, seventeen miles from Philadelphia, but the Americans succeeded in escaping with only the loss of their baggage. On May 7 the British sent an expedition against the galleys and other ships which had escaped up the Delaware at the time of the capture of Mud Island, and a large number of vessels were destroyed, and some stores and provisions captured.† Because of their superiority in numbers and equipment, the British were able to undertake these expeditions and to send out numerous detachments to various points without fear of capture, while on the other hand, the movements of the militia were often tardy and inefficient. Because of their small numbers, the American army could not properly guard the roads, and the British were able to conduct their foraging expeditions and return to Philadelphia before an adequate force of Americans could be assembled to attack them.

In October, 1777, Howe had sent his resignation to the British ministry, but not until the spring of 1778 was it accepted, when Sir Henry Clinton

was appointed to succeed him. Upon his departure from Philadelphia, Howe was given a magnificent farewell entertainment.* Soon afterward, being quite certain that the British were preparing to evacuate Philadelphia, Washington ordered Lafayette to cross the Schuylkill with 2,200 troops and take post at Barren Hill, about twelve miles in front of the army at Valley Forge.† Lafayette picketed all the roads by which it was probable that the enemy would approach. About two miles to the left of his headquarters was White-marsh, where a number of roads formed a junction, and to guard these roads the Marquis had dispatched some militia, who, however, never went.‡ Having placed his guards, Lafayette directed a Quaker in the vicinity to provide him lodgings for the night. Inferring that Lafayette intended to stay there, the Quaker sent information of Lafayette's situation to the British. The latter thereupon determined to surprise Lafayette, and on May 19 General Grant, with about 5,000 men and a number of cannon, set out from Philadelphia.

* Fisher, *Struggle for American Independence*, vol. ii., pp. 122, 139-143; Trevelyan, *American Revolution*, vol. iv., p. 282 *et seq.*; Jones, *New York in the Revolution*, vol. i., pp. 242-252, 716. See also André's description of the Mischianza, in Lossing, *Field-Book of the Revolution*, vol. ii., p. 97 *et seq.* On the subsequent investigation of his conduct of the war, see Fisher, pp. 149-157.

† See his instructions to Lafayette in Sparks' ed. of Washington's *Writings*, vol. v., p. 368, and in Tower, *Marquis de LaFayette*, vol. i., pp. 326-328.

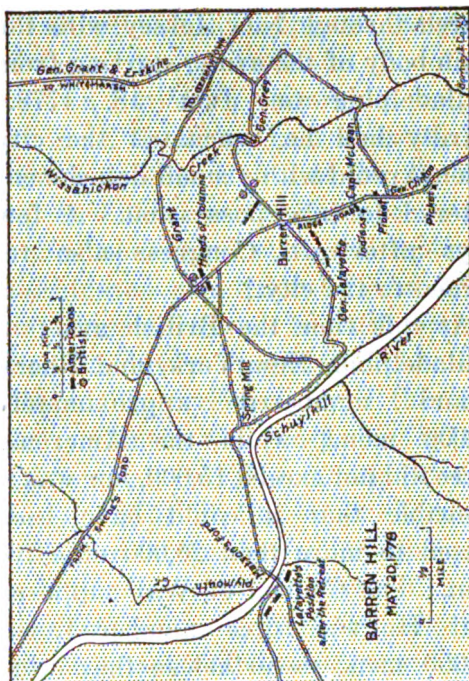
‡ Tower, *Marquis de LaFayette*, vol. i., p. 329.

* Lossing, *Field-Book of the Revolution*, vol. ii., pp. 138-140.

† Lossing, *Field-Book of the Revolution*, vol. ii., p. 13.

Taking the Frankford road and crossing the country through the old York road and Whitemarsh, Grant, the next morning, entered the road on which the Marquis had stationed his camp, about two miles in his rear, at Plymouth meeting-house. The only ford by which Lafayette could retreat was Matson's Ford on the Schuylkill, about a mile and a quarter distant, and about two miles from Barren Hill church. Detaching some troops to take the Marquis in front, Grant, instead of securing this ford and then cutting off Lafayette's retreat, marched down the main road. Lafayette thereupon retreated by the road leading from Barren Hill church to Matson's Ford, and had nearly effected his retreat before the enemy were aware of the error they had committed. Doubling their pace, the British attempted to overtake Lafayette's troops, but before they came up with his rear, all the Americans had crossed and formed in battle order on the other side. Lafayette's loss was not more than nine men. Of Lafayette's danger the American army had received early information and adopted several expedients to distract the attacking forces. Some of the heaviest artillery was fired in the hope that the sound of it would be carried to the British, who might think that the whole American army was approaching. Evidently this was the case, for Grant hastily beat his way back to Philadelphia, seemingly under the apprehension that his small

body of troops were about to be attacked by the whole American army. Had he marched to Matson's Ford, and secured it, not only would he have entirely cut off Lafayette, but would have compelled him either to surrender or to have lost his entire



force in battle, which would have endangered the whole army.*

The probability that France would send a fleet to aid the Americans caused the British ministry great concern. Consequently, Sir Henry

* Tower, *Marquis de LaFayette*, vol. i., pp. 330-338; Bancroft, vol. v., p. 270; Carrington, *Battles of the Revolution*, pp. 405-407; Fisher, *Struggle for American Independence*, vol. ii., pp. 144-148; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 121-123. See also Wayne's account of this in Stillé, *Wayne and the Pennsylvania Line*, pp. 139-141; Sparks' ed. of *Washington's Writings*, vol. v., p. 377.

Clinton was ordered to evacuate Philadelphia as soon as possible and to send a portion of his forces to aid in making a descent upon the French possessions in the West Indies. The remainder of his troops were to be stationed at New York.* Shipping part of his troops, Clinton began the march through New Jersey with the main body of the army, starting from Philadelphia on June 18, 1778.† Hardly had he evacuated the city when Arnold with a small detachment entered to take possession. A few days afterward Congress also returned to the city.‡

At this time the British army in Philadelphia, New York, and Rhode Island numbered approximately 33,000 men,|| while the American force did not exceed 15,000, nor was it probable that it could have been raised to more than 20,000 effective men. The Council of War supposed that Howe's force numbered but 10,000 men; nevertheless they were reluctant to enter upon offensive operations, and with the exception of Washington and possibly two or three others, all the generals were opposed to attacking the British with

the object of bringing on a general engagement. Lee even declared it to be "criminal" to risk a battle with an enemy so superior in discipline and strength.* Most of the foreign officers concurred in this opinion, and Washington felt obliged to yield to the opinion of the majority of his council in a matter of so great importance.†

Some time previously, with the object of impeding the march of the British as much as possible, Washington had detached General Maxwell, with the Jersey brigade, across the Delaware to coöperate with General Philemon Dickinson with the Jersey militia in destroying bridges, felling trees across the roads, etc., as had been done at Saratoga, but Dickinson was ordered to guard against a sudden attack.‡ There were two roads leading from Philadelphia to New York; one running along the western bank of the Delaware to the ferry at Trenton, while the other followed the eastern bank to the same point. Unmolested by the American army, the British crossed the Delaware at Gloucester Point, and had taken the road leading along the eastern bank. Clinton carried with him a large quantity of baggage and pro-

* Bancroft, vol. v., p. 272.

† Trevelyan, *American Revolution*, vol. iv., pp. 368-371.

‡ Arnold, *Life of Arnold*, p. 222.

|| Carrington gives the figures at 33,756 — 19,530 at Philadelphia, 10,456 at New York, and 3,770 at Rhode Island — *Battles of the Revolution*, p. 411. Bancroft says Howe's force at Philadelphia amounted to about 17,000; Lafayette says 14,000, while Washington says between 9,000 and 10,000. See note in Fisher, *Struggle for American Independence*, vol. ii., p. 176.

* Bancroft, vol. v., p. 274; Tower, *Marquis de LaFayette*, vol. i., pp. 347-348.

† Trevelyan, *American Revolution*, vol. iv., pp. 373-374; F. V. Greene, *Life of Greene*, p. 100; Kapp, *Life of Kalb*, p. 159.

‡ Tower, *Marquis de LaFayette*, vol. i., p. 348; Lossing, *Field-Book of the Revolution*, vol. ii., p. 147; Irving, *Life of Washington*, vol. ii., p. 445.

visions, so that the progress of the army, thus heavily encumbered, was exceedingly slow, and it did not reach Crosswicks and Allentown until June 24, having marched less than 40 miles in seven days.* It seemed to the Americans that Clinton's slow progress was intentional, with the purpose of drawing the Americans into a general engagement. On Clinton's approach, General Maxwell, who was posted at Mount Holly, retired, and neither he nor Dickinson was able to give the British much trouble. Thus far the British army had marched up the Delaware at only a short distance from the river, and Washington, who had left Valley Forge on the day that Clinton evacuated Philadelphia, found it necessary to take a circuitous route, and pass the river higher up at Coryell's Ferry. Crossing this on June 22, Washington stationed himself at Hopewell, where he remained throughout the 23d. From Allentown to New York were two roads; the left of which passed through South Amboy to the Hudson, while the right led to Monmouth and Sandy Hook. The first of these two roads was the shorter, but it was crossed by the Raritan, and as it would be difficult and dangerous to pass this river if

opposed by the enemy, Clinton determined to take the longer road.*

At Hopewell, Washington once more asked the advice of the Council of War. Lee again expressed the same opinion regarding the attack on the British and his opinion carried great weight in the Council. But Washington decided not to follow the advice of the Council and to act on his own initiative, deeming the reputation of the army in a measure involved, and knowing that the country expected that he would make an attack of some kind upon the British.† Washington could not be persuaded that the chances were so much against him as had been suggested by Lee and others. On receiving word that Sir Henry Clinton was proceeding by the right road to Monmouth Court-House, Washington sent forward 1,000 men under General Wayne, and directed General Lafayette to take command of the left flank, ordering him to attack the enemy's rear upon the first favorable opportunity.‡ Lee had been offered command of this corps, but had declined it. The whole

* Lossing, *Field-Book of the Revolution*, vol. ii., pp. 147-148.

† Fisher, *Struggle for American Independence*, vol. ii., pp. 179-181; Tower, *Marquis de LaFayette*, vol. i., p. 350; Stillé, *Wayne and the Pennsylvania Line*, p. 141 et seq.; F. V. Greene, *Life of Greene*, p. 101; Lossing, *Field-Book of the Revolution*, vol. ii., p. 148; Sparks, *Life of Washington*, pp. 271-273.

‡ Carrington, *Battles of the Revolution*, p. 414; Stillé, *Wayne and the Pennsylvania Line*, p. 144; Tower, *Marquis de LaFayette*, vol. i., pp. 352-353. His instructions to Lafayette are in Sparks' ed. of *Washington's Writings*, vol. v., p. 417.

* Carrington, *Battles of the Revolution*, p. 413. Lowell says that on the 25th of June nearly a third of the Hessians were overcome by the heat and that there were many desertions — *Hessians in the Revolution*, p. 213. See also Knox's letters of June 25 and 29 in Brooks, *Life of Knox*, pp. 119, 121.

army followed at a short distance behind the advance corps and reached Cranberry the next morning. Upon learning of the approach of the Americans, Clinton sent his baggage to the front and placed his grenadiers, light infantry, and chasseurs in the rear. Washington then sent forward two more brigades to the advance corps and dispatched General Lee, who for some reason now desired to have the command, to take charge of the whole advance corps.* On the morning of June 28 Lee was ordered to move on and attack, "unless there should be very powerful reasons to the contrary."† Washington followed with the main army to support the advance corps. When he had marched about five miles, he found the whole of the advance corps in full retreat, by Lee's orders, without having made any appreciable attempt to defeat the British.‡ Wash-

ington was astounded at the sudden change and asked Lee to explain. Lee replied with warmth and in very unsuitable language, and in turn was reproved in much stronger language than it was generally supposed Washington could use.* The regiments of Colonel Walter Stewart, William Irvine and Thomas Craig, together with the Virginia and Maryland regiments, were ordered to form on a piece of ground deemed suitable for checking the advance of the enemy.† Washington then asked Lee if he would take command on that ground, and he promptly consented. He was ordered to use the utmost diligence in checking the advance of the enemy, to which he replied, "Your orders shall be obeyed, and I will not be the first to leave the field."‡ Washington next rode to the main army, which was

* Tower, *Marquis de LaFayette*, vol. i., p. 356 et seq.; Fiske, *American Revolution*, vol. ii., pp. 59-61; Ford's ed. of *Washington's Writings*, vol. vii., pp. 73-75. For an exposition of the reasons for Lee's change of heart, see Johnson, *General Washington*, pp. 198-199.

† See the extracts from testimony regarding orders given prior to the battle cited in Carrington, pp. 422-432. See also *New York Historical Society Collections*, 1873, vol. ii., p. 443, vol. iii., pp. 7-8; Tower, *Marquis de LaFayette*, vol. i., pp. 366-369; Sparks, *Life of Washington*, p. 274 et seq.

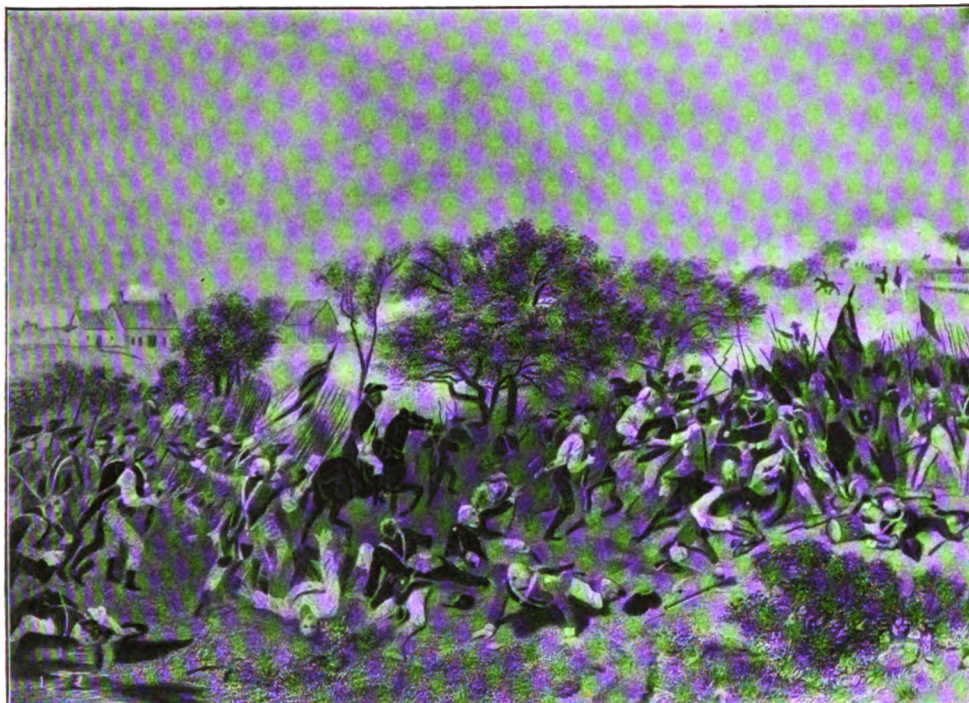
‡ On the various skirmishes see Tower, *Marquis de LaFayette*, vol. i., pp. 369-381; Carrington, pp. 433-438; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 148-152. Fisher seems to think that Lee was not at fault in the measures he took.—*Struggle for American Independence*, vol. ii., pp. 183-185. See also the report of Wayne and Scott, in Sparks, *Correspondence of the Revolution*, vol.

ii., pp. 150-152; Trevelyan, *American Revolution*, vol. iv., pp. 376-378.

* See Irving's *Life of Washington*, vol. iii., pp. 454-455; Fiske, vol. ii., pp. 62-64; *New York Historical Society Collections*, 1873, vol. iii., pp. 81, 112, 147, 156, 191; Lodge, *George Washington*, vol. i., p. 230; *Pennsylvania Magazine of History*, vol. ii., p. 141; Tower, *Marquis de LaFayette*, vol. i., pp. 382-384. Tower, however (p. 389) says there is no evidence that Washington expressed violent feeling toward Lee or that he reproached him with angry words. However, had Washington known that the British commander was at this very moment acting on the plan that Lee himself had drawn up to destroy Washington, he probably would have expressed his feelings in much harsher language than he is reported to have used.

† Stillé, *Wayne and the Pennsylvania Line*, pp. 146-147.

‡ Carrington, *Battles of the Revolution*, p. 441; Lossing, *Field-Book of the Revolution*, vol. ii., p. 154; Johnson, *General Washington*, pp. 201-202.

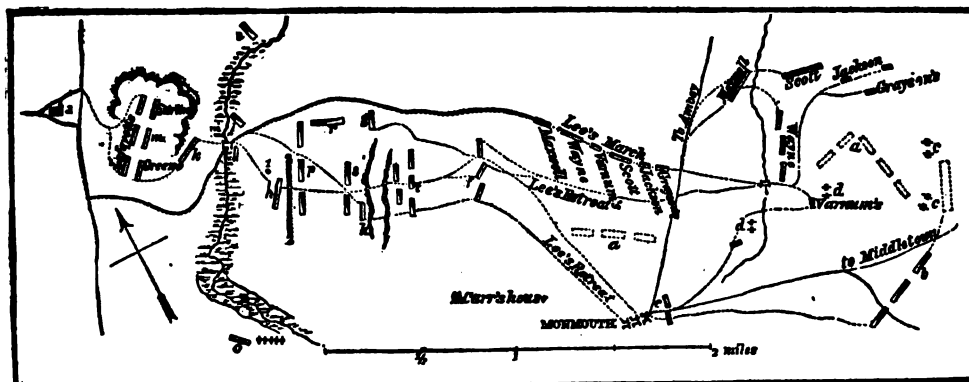


1. THE BATTLE OF MONMOUTH.
2. SERGEANT MOLLY AT THE BATTLE OF MONMOUTH.

formed with the utmost expedition.* A sharp artillery duel now began between the British and American forces, and the advance troops of the two armies also opened up with their small arms. The Americans stood their ground until they had become intermixed with a part of the British army. Lee continued on

made a movement to the right, but in this they were also unsuccessful, as their design was frustrated by Greene's artillery.* Wayne advanced with a body of troops and maintained so well directed a fire that the British were soon compelled to give way,† retiring to the position which had been previously occupied

The Battle of Monmouth.



A. Position of British night before battle. B. British detachment moving toward Monmouth. C. British batteries. D. Oswald's American batteries. E. American troops formed near courthouse. F. Lee's first position in retreat. G. Attack by party of British in woods. H. Positions taken by Lee. I. British detachment. K. Last position of retreating troops. M. Army formed by Washington after he met Lee retreating. N. British detachment. O. American battery. P. Principal action. R. First position of British after action. S. Second position. T. British passed night after battle. 1. Where Washington met Lee retreating. 2. Hedge row. 3. Meeting-house.

the field of battle until the last, and brought off the rear of the retreating troops. Meanwhile on the left wing Lord Stirling had effectually stopped the advance of the British. General Greene advantageously posted his troops on the right of Lord Stirling, and when the British attempted to turn the left flank, they were repulsed.† They also

by General Lee, Washington now resolved to attack them, and ordered General William Woodford to move around upon their left and General Enoch Poor to their right; but before the troops could get into position,

by the animation produced by the vexation of the morning, gave him the air best calculated to excite enthusiasm."

* Trevelyan, *American Revolution*, vol. iv., pp. 379-380.

† Stillé, *Wayne and the Pennsylvania Line*, pp. 147-148, 152-153; Carrington, *Battles of the Revolution*, pp. 441-443; Stedman, *American War*, vol. ii., pp. 19-24; Gordon, *American Revolution*, vol. iii., pp. 131-151; Ford's ed. of Washington's *Writings*, vol. vii., pp. 80-81, 88-89, 94-96; Lossing, *Field-Book of the Revolution*, pp. 156-157.

* F. V. Greene, *Life of Greene*, p. 102.

† Speaking of this battle, Lafayette says: "Never was General Washington greater in war than in this action. His presence stopped the retreat. His dispositions fixed the victory. His fine appearance on horseback, his calm courage, roused

night had fallen, which prevented further operations.* These troops remained on the field of action during the night, with the intention of making an attack early next morning, and the main army also slept upon their arms to be ready to support them.† Washington himself, after discussing the events of the battle with Lafayette,‡ slept on his coat under a tree, in the hope of renewing the action the next day.

The British, however, did not wish to risk another battle, and in the night marched away in such silence that even General Poor, though he lay very near them, knew nothing of their departure.¶ They left behind them several officers and a number of wounded soldiers who could not be removed, though their other wounded were carried off.§ They continued on their retreat without further interruption until they had reached Sandy Hook, and on July 6 the entire army was safe in New York.¶ Washington decided that it would be inexpedient to further pursue the British army and soon drew off his troops to the

vicinity of the Hudson River. The loss of the Americans in the battle in killed, wounded, and missing, was about 360, while the British loss, including prisoners, was about 400, although in this battle, as in the majority of those fought in the Revolution, there is great discrepancy in the losses reported by both commanders.* The battle had been fought with bravery and skill, and had General Lee acted otherwise, the British forces might have been totally defeated. As it was, however, the result of the battle was quite satisfactory to the Americans, for they had compelled the British army to beat a hasty retreat, without committing any of the depredations that marked their march across the same territory toward Philadelphia. Upon receiving news of the battle, Congress resolved "that their thanks be given to General Washington for the activity with which he marched from the camp at Valley Forge in pursuit of the enemy; for his distinguished exertions in forming the line of battle; and for his great good conduct in leading on the attack, and gaining the important victory of Monmouth, over the British grand army, under the command of General Sir Henry Clinton, in their march from Philadelphia to New York."

Probably Washington would never again have thought of Lee's conduct

* Carrington, p. 444; Lossing, p. 157.

† As an instance of the intense heat of the day, it is stated that 59 British soldiers perished without a wound; and several of the American soldiers died from the same cause.

‡ Trevelyan, *American Revolution*, vol. iv., p. 380; Irving, *Life of Washington*, vol. iii., p. 460.

¶ See Washington's report to Congress quoted in Tower, *Marquis de LaFayette*, vol. i., pp. 387-388.

§ Brooks, *Life of Knox*, p. 121.

¶ Jones, *New York in the Revolution*, vol. i., pp. 264, 273-274; Gordon, *American Revolution*, vol. iii., p. 154 (ed. 1788); Ford's ed. of Washington's *Writings*, vol. vii., p. 97.

* See Carrington, *Battles of the Revolution*, p. 444; Fisher, *Struggles for American Independence*, vol. ii., p. 186.

on the field of battle had not Lee himself revived the discussion regarding it. He was highly indignant at the terms used by the commander-in-chief during the battle and subsequently wrote him two letters regarding this, couched in very strong terms.* As a result, he was brought before a court-martial, at his own request, to determine whether his conduct had been according to the rules of war, or had been unbecoming an officer and prejudicial to the service. The charges against him were as follows: "1st. Disobedience of orders in not attacking the enemy on the 28th of June according to repeated instructions. 2d. Misbehavior before the enemy on the same day, by making an unnecessary, disorderly and shameful retreat.† 3d. Disrespect to

the commander-in-chief in two letters dated the 1st of July and the 28th of June."* The hearing before the court was long and tedious; Lee was finally found guilty and sentenced to be suspended from any command in the armies of the United States for a period of one year; but the second charge was softened by the court which found him guilty of misbehavior before the enemy by making an unnecessary, and in some few instances, a disorderly retreat.† After some hesitation, Congress approved the sentence of the court and Lee thereupon left the army never again to join it. His career closed with his death at Philadelphia, October 2, 1782.

* Irving, *Life of Washington*, vol. iii., p. 467.

* See *New York Historical Society Collections*, vol. iii., p. 99 (1873). See also Irving, *Life of Washington*, vol. iii., p. 464 *et seq.*

† Chief Justice Marshall, speaking of Lee's defence before the court, says, "He suggested a variety of reasons in justification of his retreat, which, if they do not absolutely establish its propriety, give it so questionable a form as to render it probable that a public examination never would have taken place, could his proud spirit have stooped to offer explanation, instead of outrage, to the commander-in-chief."

† On the court-martial and Lee's conduct in general, see the proceedings of the trial in vol. iii., of the *New York Historical Society Collections*, 1873, and the various items, opinions, etc., in vols. ii. and iv. of the same, also in Henry Lee's *Memoirs*, vol. i.; Gordon's *American Revolution*, vol. iii. (ed. 1788); Lafayette's *Memoirs and Correspondence*, vol. i.; John Laurens, *Army Correspondence* (Bradford Club series no. 7, 1867); George H. Moore, *Treason of Charles Lee*; Fisher, *Struggle for American Independence*, vol. ii., pp. 189-197; Trevelyan, *American Revolution*, vol. iv., pp. 382-383.

CHAPTER XXII.

1778.

FRENCH FLEET ARRIVES: OPERATIONS IN RHODE ISLAND.

French fleet appears off Sandy Hook — Attack on British delayed — Fleet sails for Rhode Island — Sullivan's preparations to reduce Rhode Island — Disposition of the British garrison — Engagement between the French and British fleets — Armies overtaken by storm — Precarious situation of Sullivan — American officers beseech d'Estaing to remain — Fleet sails to Boston — Sullivan's general orders — Clamor against the French — Washington's letters to the various commanders — American army retires from Rhode Island — Clinton's expedition against New Bedford and Fairhaven — French fleet sails for the West Indies — Washington puts army in winter quarters — Labors of Baron Steuben — Naval operations.

In July, 1778, when the British army arrived in New York, Charles Henri Théodat d'Estaing, Count d'Estaing du Saillans, appeared off the coast of Virginia with a French fleet, which had sailed from Toulon about the middle of April.* It was expected that the French fleet would find the British still in Philadelphia, but contrary winds had delayed it so long that the British had evacuated the city and marched across Jersey before the French fleet arrived. Ascertaining that the British had evacuated Philadelphia, the French commander sailed to the north, and on July 11 appeared off Sandy Hook.† Lord Howe's fleet, which consisted of six 64's, three 50's, two 40's and some smaller frigates, had received early information of the movements of d'Estaing and knew of his arrival on the coast some days before he actually appeared off Sandy Hook. This timely warning enabled Howe to

make a judicious disposition of his forces for the defence of New York. For some time after the arrival of the French, unfavorable winds prevented a movement against the British fleet, but on July 22, the wind having changed, the French squadron got under way with the evident intention of making an immediate attack. When the ships arrived at Sandy Hook, however, the pilots expressed the opinion that the largest of the French vessels could not pass the bar, and they refused to undertake to carry them through the channel.* D'Estaing thereupon changed his plan and

* Tower, *Marquis de LaFayette*, vol. i., pp. 399-400.

† Lossing, *Field-Book of the Revolution*, vol. i., p. 647.

* Sparks' ed. of *Washington's Writings*, vol. vi., pp. 9-12; Tower, *Marquis de LaFayette*, vol. i., pp. 417-420; Carrington, *Battles of the Revolution*, pp. 447-448; Ford's ed. of *Washington's Writings*, vol. vii., pp. 101, 104-106, 108, 110, 114; Gordon, *American Revolution*, vol. iii., p. 156. Mahan, however, says that there was plenty of water and that d'Estaing's assertion that he could not pass the bar was a mere subterfuge, his real reason being that Howe's position was better and the French fleet was therefore, at a disadvantage. See Clowes, *Royal Navy*, vol. iii., pp. 399-402. See also d'Estaing's and Hamilton's letters in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 157-159, 160-161.

steered southward to the Delaware capes, where, upon his arrival, he changed his course and sailed for Rhode Island.* Arriving there on the 29th, he arranged with General Sullivan to attempt the reduction of that state. Sullivan had a detachment of Washington's army, and reinforcements constantly arrived from New England. For some time Sullivan had been preparing to reduce the British garrison at Rhode Island, and later Generals Greene and Lafayette were sent to assist him in subordinate commands.† General Pigott, the British commander, had been informed of the intentions of General Sullivan, and in order to impede the operations of the Americans, had dispatched two separate expeditions, one under Colonel Campbell, and the other under Major Eyre, into Providence Plantation. These expeditions destroyed a large quantity of naval and military stores, some galleys and armed sloops, and about 100 small boats which had been prepared for Sullivan's expedition. These losses considerably retarded General Sullivan's movements, and for several days after the French fleet arrived, the Americans were in no position to coöperate with them.

Rhode Island consists of two parts

connected by an isthmus, and has a number of small islands near it. On the west of the isthmus stands Newport, the chief town of the island, and between Rhode Island and the mainland lies the island of Conanicut. There are three entrances to Newport; one by the east or Seakonet Passage; another by the west of the island, between it and Conanicut, called the Main Channel; and the other, called the West or Narragansett Passage, which unites with the Main Channel at the east of Conanicut. The main body of the British troops under General Pigott, numbering about 6,000 men,* lay at Newport; on Conanicut Island were three regiments; a chain of redoubts defended the isthmus; and each of the three entrances was guarded by frigates and galleys, which upon the appearance of Count d'Estaing were destroyed to prevent them from falling into his hands. The French fleet blockaded all the various passages, several ships of war being stationed in the Seakonet and Narragansett passages, while the Main Channel was closed when the fleet anchored at its mouth. In this position the French fleet continued until August 8.† When the Americans were in a position to coöperate with him, the French commander

* Richman, *Rhode Island*, p. 228; Irving, *Life of Washington*, vol. iii., pp. 479-480.

† F. V. Greene, *Life of Greene*, p. 107. See also his instructions to Lafayette, in Tower, *Marquis de LaFayette*, vol. i., p. 422; and to Greene and Lafayette in Sparks' ed. of *Washington's Writings*, vol. vi., pp. 8, 22.

* Carrington, *Battles of the Revolution*, p. 448. Sullivan estimated the force at 6,500. See his letter in Sparks, *Correspondence of the Revolution*, vol. ii., p. 178.

† On the conferences between the American generals and the French admiral regarding the plan of attack, see Tower, *Marquis de LaFayette*, vol. i., pp. 431-455.

sailed toward the harbor, engaging the batteries on either side as he passed, and anchoring between Newport and Conanicut.*

When Howe received information of the arrival of the French fleet at Newport, he immediately began preparations to destroy it. By this time Howe's squadron had been increased to eight ships of the line, five ships of 50 guns each, two of 40, four frigates, several fire ships, two bombs, and a number of smaller vessels.† On August 9 this fleet arrived at Rhode Island, anchoring off Point Judith, a short distance from the entrance of the Main Channel.‡ For several days after the arrival of the French the winds continued contrary, but on the morning of the 10th they suddenly shifted to the northeast, and the French commander was seized with a desire to measure ships with Howe.‖ Accordingly, he went to sea in search of the British fleet, and soon discovered it. But upon seeing so formidable an armament advancing toward him, and being under the wind, which gave the French the weather-gage, Lord Howe declined an immediate engagement, and instead manœvered in an endeavor to secure the weather-gage himself. The contest lasted throughout the day, the French admiral en-

deavoring to retain his advantage. Toward the close of the second day, when the fleets were about to engage, a violent storm separated the two fleets and dispersed and considerably injured many of the ships. As a result, there was no general action, but single ships of both fleets afterward fell in with each other, though neither side gained any important advantage from these minor engagements. As both fleets were in a crippled condition, Howe returned to New York and d'Estaing to Newport.*

At this time Sullivan's army numbered about 10,000 troops, chiefly militia, and when the French commander sallied forth to intercept the British, Sullivan was prepared to take the field in coöperation with the French fleet.† When Sullivan saw the French fleet depart, however, he realized that it would be useless to attempt hostilities until it should return. Furthermore, he feared that d'Estaing would become offended if the American army should not wait until he could be at liberty to participate in any movement. On the other hand,

* Gordon, *American Revolution*, vol. iii., p. 159; Fisher, *Struggle for American Independence*, vol. ii., pp. 212-214; Tower, *Marquis de LaFayette*, vol. i., pp. 461-465; Stedman, *American War*, vol. ii., pp. 27-31; Jones, *New York in the Revolution*, vol. i., p. 276; Johnson, *Life of Greene*, vol. i., p. 100.

† Heath's *Memoirs*, p. 175 (Abbatt's ed.); Lafayette's letter to D'Estaing in Tower, *Marquis de LaFayette*, vol. i., p. 440. About 1,500 troops under Greene and Lafayette had been sent by Washington. See Spark's ed. of Washington's *Writings*, vol. vi., pp. 28-37; Greene, *Life of Greene*, vol. ii., pp. 113-128.

* Tower, vol. i., p. 456 *et seq.*

† Carrington, *Battles of the Revolution*, p. 450.

‡ F. V. Greene, *Life of Greene*, pp. 109-110.

‖ See Peabody, *Life of John Sullivan*, p. 98 *et seq.*

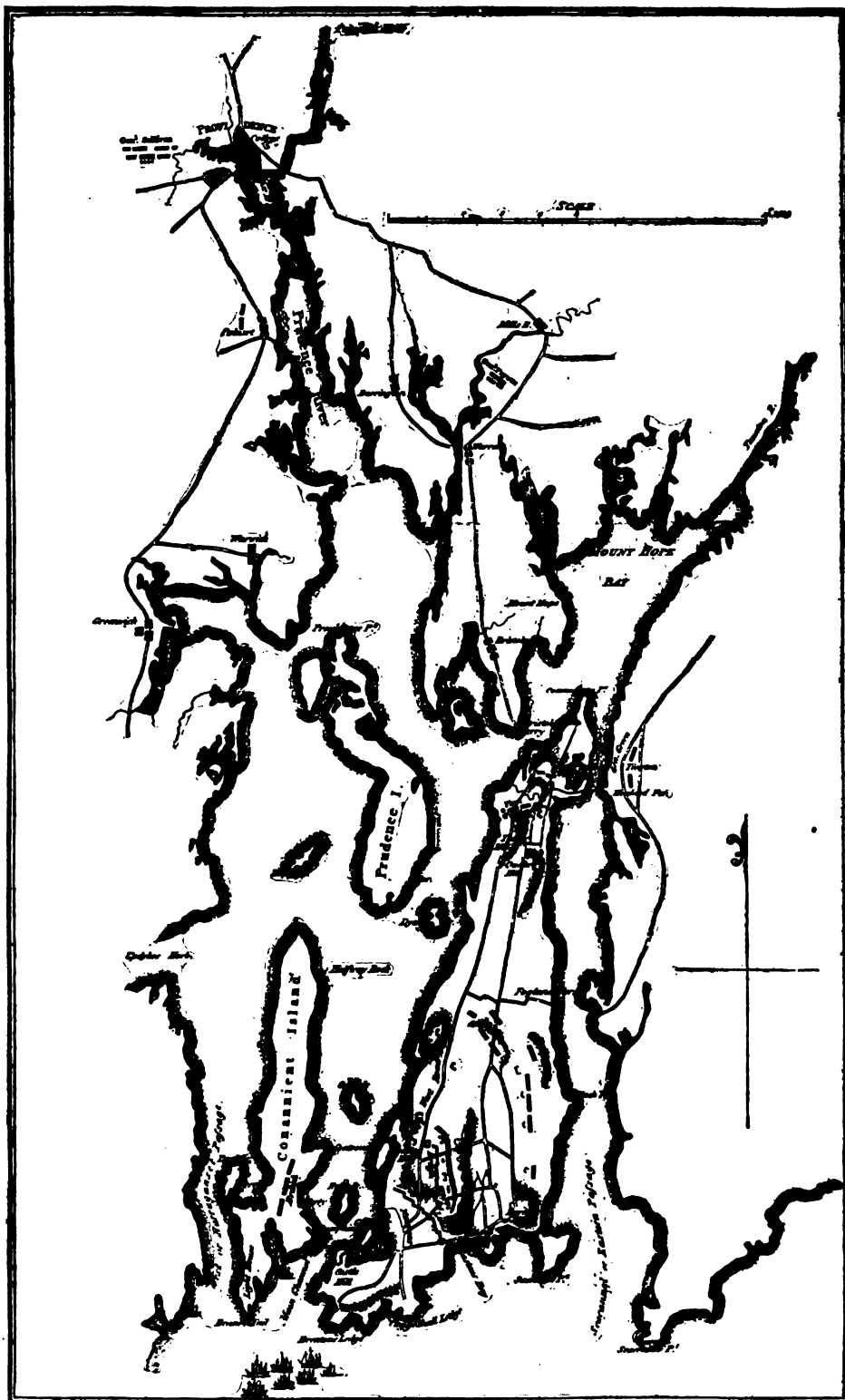
the American army could not long be kept together and it was necessary that the American commander begin active operations immediately. Upon learning that Sullivan was ready to take the offensive, Pigott withdrew his troops from Conanicut, called in his various outposts, and concentrated his whole army in an entrenched camp near Newport. The American army was then transported from the mainland to the northeast end of the island, and having taken possession of a fortified position which had been abandoned by the British, they marched toward Newport to begin the siege. On the 12th of August, before the siege was well under way, Sullivan's army was overtaken by the same terrific wind and rain storm which had created such havoc among the British and French ships. A great number of the tents were blown down, and fire-arms were rendered unfit for immediate use, and almost all the ammunition, of which 50 rounds had just been distributed to each soldier, was irreparably damaged. As the storm continued for three days and as they were without shelter, the soldiers suffered severely and large numbers of them perished.* After the storm had passed, the American army resumed the siege, but the absence of the French fleet placed

General Sullivan's army in a precarious situation as the British force at Newport could easily be increased. To the great relief of the Americans d'Estaing reappeared off the island on the evening of the 20th, but the joy of the Americans was of short duration, for upon his arrival d'Estaing informed General Sullivan that, agreeable to the advice of his officers, and in obedience to orders, it would be necessary for him to sail for Boston to repair his damaged fleet. He had been instructed to enter that port in case he should meet with disaster or find a superior British fleet on the coast. Now facing both situations (his fleet having been shattered and Admiral Byron having arrived with British reinforcements), he considered that the condition of affairs was exactly what had been contemplated in his instructions, and it was therefore incumbent upon him to take his fleet to Boston.*

This action greatly irritated General Sullivan, who was convinced that the departure of the French fleet would ruin the whole enterprise. Both Greene and Lafayette in a personal interview besought d'Estaing to reconsider his determination and to stand by the Americans in the present situation; they explained to him the importance of the movement just begun, further saying that it was now so well advanced that there could be no

* Fisher, *Struggle for American Independence*, vol. ii., p. 214. See also Sullivan's letter of August 13 to Washington, in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 175-178; Lossing, *Field-Book of the Revolution*, vol. i., p. 650.

* Carrington, *Battles of the Revolution*, p. 452; Tower, *Marquis de LaFayette*, vol. i., pp. 466-469.



Map of a part of Rhode Island showing the Positions of the American and British Armies at the Siege of Newport and the Subsequent Action on August 29, 1778.

possibility of failure. On the other hand, it could not be abandoned at the present juncture without doing great injury to the American cause, for the volunteers under General Sullivan had undertaken the expedition in the expectation of receiving aid from the French fleet and had used every endeavor to furnish the army with supplies. To be abandoned by the French at so critical a moment, in conjunction with the ill success of the other American armies up to the present time, could not help but produce a high state of exasperation. The disaffected would also have good cause to deride the Americans for their faith in the French and the expected aid from them. They said that it would be very difficult for the fleet in its present condition to pass the shoals of Nantucket; that it could be repaired at Newport as well as at Boston; and finally that its present station offered advantages over Boston for distressing the enemy. On the other hand, if a superior fleet should appear, Boston harbor would be no safer than that at Newport. These arguments failed to change d'Estaing's determination, and, though a protest signed by all the leading officers except Lafayette was sent to the Count,* he adhered to his plan, and on August 22, 1778, sailed away from Newport, three days later arriving at Boston.†

* See the text in Amory, *Life of Sullivan*, p. 77.

† Fiske, *American Revolution*, vol. ii., pp. 76-78; Tower, *Marquis de LaFayette*, vol. i., pp. 469-

General Sullivan was so chagrined and disgusted at the movements of the French* that on the 24th in the general orders, he inserted the following paragraph:

"The General cannot help lamenting the sudden and unexpected departure of the French fleet, as he finds it has a tendency to discourage some who placed great dependence upon the assistance of it; though he can by no means suppose the army, or any part of it, endangered by this movement. He yet hopes the event will prove America able to procure that by her own arms, which her allies refuse to assist in obtaining." †

On the 26th he tried to smooth over the reflection contained in this paragraph by declaring that he did not mean to insinuate that the departure of the French fleet was because of a fixed determination not to assist the Americans, and that he would not wish to give to ungenerous and illiberal minds the slightest reason to make so unfair an interpretation. On the 26th, after his arrival at Boston, d'Estaing wrote a note to Congress in which he attempted to justify the departure of his fleet. He said that water and provisions were low; that he had been deceived with regard to these two articles, the need of which was growing more and more important; and that it was necessary for

475. See also Sullivan's, Lafayette's and Laurens' letters to Washington, in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 178-188.

* See Greene's characterization of Sullivan's conduct in his letter to Washington, Sparks, *Correspondence of the Revolution*, vol. ii., p. 188 *et seq.* See also Tower, *Marquis de LaFayette*, vol. i., p. 478 *et seq.*

† Irving, *Life of Washington*, vol. iii., p. 487. See also F. V. Greene, *Life of Greene*, pp. 112-113.

him to consider the condition of his fleet at the present time rather than to risk its total annihilation by being in no condition to withstand an attack. He said that when notice of the arrival of British reinforcements was received, his ships were in such a situation that had he returned to Newport, Howe would have had a great advantage if an attack should be made. Consequently, he felt justified in going to Boston, but he did not think that the American generals were justified in expressing their opinions in such strong language. Undoubtedly the Count himself cannot be held blameable for the departure of the fleet, for all his officers, men of long experience, insisted that the preservation of the fleet demanded it. Nevertheless, the American commander and the soldiers under him were sorely disappointed, because had the French commander returned to Newport, the British garrison would have been compelled to surrender long before Howe could have arrived with aid. Consequently, as the Americans said, "there never was a prospect so favorable, blasted by such a shameful desertion." So bitter was the disappointment and chagrin that a clamor arose against the whole French nation and letters were sent to Boston full of bitter invective intended to prejudice the inhabitants against d'Estaing and his officers. It was only with the greatest difficulty that the cooler and more judicious part of the community were able to preserve peace between

the French sailors and the inhabitants of the city.

Washington readily foresaw that a general and mutual irritation would be productive of still greater violence, and he therefore exerted every effort to calm the minds of both parties. In this he was aided by Lafayette, who was equally well beloved by the French and Americans.* Lafayette naturally owed his first duty to the king, but he was devoted to Washington, and put forth every effort to reconcile the French and American commanders. Washington wrote to General Heath in command at Boston and to Sullivan and Greene at Rhode Island. In his letter to Heath he stated his fears "that the departure of the French fleet from Rhode Island, at so critical a moment, would not only weaken the confidence of the people in their new allies, but produce such prejudice and resentment as might prevent their giving the fleet, in its present distress, such zealous and effectual assistance as was demanded by the exigence of affairs, and the true interests of America." He added "that it would be sound policy to combat these effects, and to give the best construction of what had happened; and at the same time to make strenuous exertions for putting the French fleet as soon as possible in a condition to defend itself, and be useful." He furthermore said:

* See Washington's letters to Lafayette, in Sparks, *Life of Washington*, pp. 280-281.

"The departure of the fleet from Rhode Island is not yet publicly announced here; but when it is, I intend to ascribe it to necessity produced by the damage received in the late storm. This, it appears to me, is the idea which ought to be generally propagated. As I doubt not the force of these reasons will strike you equally with myself, I would recommend to you to use your utmost influence to palliate and soften matters, and to induce those whose business it is to provide succors of every kind for the fleet, to employ their utmost zeal and activity in doing it. It is our duty to make the best of our misfortunes, and not suffer passion to interfere with out interest and the public good."

On September 1 he wrote to General Sullivan as follows:*

"The disagreement between the army under your command and the fleet has given me very singular uneasiness. The continent at large is concerned in our cordiality, and it should be kept up by all possible means consistent with our honor and policy. First impressions, you know, are generally longest remembered, and will serve to fix in a general degree our national character among the French. In our conduct towards them we should remember, that they are a people old in war, very strict in military etiquette, and apt to take fire where others seem scarcely warmed. Permit me to recommend in the most particular manner, the cultivation of harmony and good agreement, and your endeavors to destroy that ill-humor which may have got into the officers. It is of the utmost importance, also, that the soldiers and the people should know nothing of this misunderstanding; or, if it has reached them, that ways may be used to stop its progress, and prevent its effect." †

To General Greene, Washington wrote:

"I have not now time to take notice of the several arguments which were made use of, for and against the Count's quitting the harbor of Newport, and sailing for Boston. Right or wrong, it will probably disappoint our sanguine expecta-

* Sparks' ed. of Washington's *Writings*, vol. vi., p. 44.

† See also Sullivan's reply, in which he states that he has done everything to satisfy d'Estaing and to restore perfect harmony.—Sparks, *Correspondence of the Revolution*, vol. ii., pp. 204-205; Amory, *Life of Sullivan*, p. 79.

tions of success, and, which I deem a still worse consequence, I fear it will sow the seeds of dissension and distrust between us and our new allies, unless the most prudent measures be taken to suppress the feuds and jealousies that have already arisen. I depend much on your temper and influence to conciliate that animosity which subsists between the American and French officers in our service. I beg you will take every measure to keep the protest entered into by the general officers from being made public. Congress, sensible of the ill consequences that will flow from our differences being known to the world, have passed a resolve to that purpose. Upon the whole, my dear sir, you can conceive my meaning better than I can express it; and I therefore fully depend on your exerting yourself to heal all private animosities between our principal officers and the French, and to prevent all illiberal expressions and reflections that may fall from the army at large."

Greene therefore employed every means to conciliate the French officers.* Washington exerted all his diplomacy to heal the breach with the French commander, and in writing to Count d'Estaing took no notice of the disagreements which had occurred. He composed his letter so that it would soothe every unpleasant sensation which might have disturbed his mind.† As a result of these combined efforts, good understanding and cordiality returned, although there were several manifestations of ill-will toward the French sailors, such as street brawls, etc ‡

* F. V. Greene, *Life of Greene*, pp. 113-114, 122-123.

† See Irving, *Life of Washington*, vol. iii., p. 494; also Johnson's *Life of Greene*, vol. i., pp. 108-125; Ford's ed. of Washington's *Writings*, vol. vii., pp. 160-164, 166, 168-175, 180, 182; Gordon, *American Revolution*, vol. iii., pp. 165-169, 197-198, 200; Stedman, *American War*, vol. ii., pp. 38, 46-47.

‡ See Greene's letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 206-207.

Meanwhile the volunteers were leaving the American army in Rhode Island; in the course of twenty-four hours from 200 to 300 deserted, so that inside of three days Sullivan's force was not much larger than that of the British.* Therefore Sullivan determined to raise the siege and to retire to the northern end of the island, preparatory to an entire abandonment of the expedition. On the 29th of August the army began the march, and though they were warmly pursued by the Hessians and British, the retreat was conducted without serious loss.† When the American army arrived at Quaker Hill, however, a large force of the British attacked it and in the ensuing engagement the loss was severe on both sides. Finally the Americans under Greene succeeded in repulsing the British, and during the night of the 30th the whole army under Sullivan reached the mainland by the passages of Bristol and Howland's Ferry.‡ Sullivan made his retreat just in time, for the next day Clinton arrived with a light squadron containing about 4,000 men. Had Sullivan been less prompt in his

movements, or had the winds favored Clinton more than they did, Sullivan would probably have been in a most desperate position, for the British fleet would have intercepted his passage to the mainland while a superior British force would have attacked him by land. As it was, however, he extricated the army from a perilous position in the nick of time, for which he was thanked by Congress.*

Finding upon his arrival that Sullivan had retreated, Clinton immediately set out on his return to New York; but, desiring that the expedition should not return to the city without having accomplished something noteworthy, he placed the troops aboard the transports under command of General Grey, giving the latter officer orders to make an expedition to Buzzard's Bay. Grey sailed to Acushnet River, where he landed September 5, 1778, and destroyed all the shipping in the vicinity, amount-

* Greene, *Life of Greene*, vol. ii., pp. 125-141; Lossing, *Field-Book of the Revolution*, vol. i., pp. 650-651.

† Heath's *Memoirs*, p. 177 (Abbatt's ed.).

‡ Bancroft, vol. v., p. 286; Richman, *Rhode Island*, pp. 231-232; F. V. Greene, *Life of Greene*, pp. 114-115; Tower, *Marquis de LaFayette*, vol. i., pp. 488-489; Carrington, *Battles of the Revolution*, p. 454; Greene's letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. ii., p. 192 et seq.; Lossing, *Field-Book of the Revolution*, vol. i., pp. 651-652.

* Lossing, *Field-Book of the Revolution*, vol. i., p. 652, note; *Journals of Congress*, vol. iv., p. 378. For other works on the Sullivan expedition see Winsor, *Narrative and Critical History*, vol. vi., pp. 592-603; T. C. Amory, *Life of Major-General John Sullivan*; T. Balch, *The French in America, 1777-83*; G. W. Cullum, *Fortification Defences of Narragansett Bay*; W. Heath, *Correspondence*, in *Massachusetts Historical Collections*, series vii., vol. iv.; A. T. Mahan, *Influence of Sea Power upon History*; G. C. Mason, *The British Fleet in Rhode Island*, in *Rhode Island Historical Collections*, vol. vii.; S. S. Rider, *The Battle of Rhode Island*, in Rider's *Historical Tracts*, no. 6; S. S. Rider, *The Rhode Island Black Regiment*, in *Historical Tracts*, no. 10; J. G. Rosengarten, *The German Soldiers in Newport, 1776-79*, in *Rhode Island Historical Magazine*, vol. vii.; E. M. Stone, *Our French Allies, 1778-1782*; James B. Perkins, *France in the American Revolution* (1911).

ing to more than 70 sail. He then went to New Bedford and Fairhaven, the greater part of which towns he laid in ashes, and where he also destroyed a large quantity of military and naval stores, provisions, etc. He had landed at 6 o'clock in the evening, and so rapid were his movements that before noon of the next day the whole work of destruction had been accomplished and the troops reembarked. Grey next proceeded to Martha's Vineyard, where he burned several vessels, destroyed much property, compelled the inhabitants to surrender their arms, and forced them to supply him with a large number of sheep and oxen, which proved a seasonable relief to the British in New York.*

About the middle of September, 1778, Admiral Byron, the successor to Lord Howe in command of the British fleet, arrived at New York. As his fleet was in a much shattered condition because of stormy weather, he was unable to put to sea again until October 18, on which day he set sail for Boston in quest of d'Estaing. Again ill success attended him, for on November 1, when he reached Boston Bay, a storm arose which so damaged his ships that he was compelled to hasten to Rhode Island for repairs.† Having completed the repairs to his ships, d'Estaing seized this oppor-

tunity to put to sea, and on November 3 sailed for the West Indies. On the same day General Grant in command of a detachment of 6,000 men from the British army, convoyed by a fleet under Commodore Hotham, set sail for the same quarter. Toward the end of the same month another detachment of more than 2,000 British troops under Lieutenant-colonel Campbell, embarked from New York for the purpose of invading the Southern States. This latter body of troops was escorted by Commodore Hyde Parker. Thus the British at New York were left only a sufficient force to defend the city against attack.*

As the campaign in the Northern and Middle States was now closed, Washington put his army into winter quarters, stationing the main body on both sides of the Hudson near Middlebrook, West Point and Danbury, while the artillery was sent to Pluckemin. Thus the army was stationed in various cantonments from Long Island Sound to the Delaware, and so arranged that in case of necessity all the other bodies could quickly reinforce any detachment that was suddenly attacked. In command of the troops at Danbury was General Putnam; McDougall commanded in the Highlands; and General Lincoln was sent to take command of the

* Gordon, *American Revolution*, vol. iii., p. 169 (ed. 1788); Stedman, *American War*, vol. ii., pp. 32, 39, 44.

† Stedman, *American War*, vol. ii., pp. 46-47.

* See Ford's ed. of Washington's *Writings*, vol. vii., *passim*.

forces in the South.* At this time the army was not compelled to undergo the sufferings experienced at Valley Forge, for though they were lodged in huts similar to those of the preceding year, they were more comfortably clothed than previously through the generosity of the French. Furthermore, the supplies came in more rapidly, animal food being brought in chiefly from the New England States, where no British force was present to interrupt.

While the army was in winter quarters a more systematic and thorough discipline was introduced through the exertions of Baron Steuben, who had been appointed inspector-general in place of Conway. He prepared a system of tactics which was soon put into practice. The difficulties confronting Steuben were enormous, and he found it difficult to reduce the discordant evolutions of the troops from different States into uniformity and efficiency in the field.† At this time also a change was made in the management of the medical department of the army, the directing and purveying business of the military hospital being placed in the hands of different officers, whereas they had previously been under the direction of the same person. This was due chiefly to the efforts of Dr. Rush.

* Carrington, *Battles of the Revolution*, pp. 457-458; Livingston, *Life of Putnam*, p. 383; Kapp, *Life of Kalb*, pp. 162-165.

† Trevelyan, *American Revolution*, vol. iv., pp.

Up to this time the naval operations of the United States had been rather desultory and without any important result. The number of vessels were small and of very inferior fighting qualities, so that there was little hope of being able to cope with the powerful British navy. Yet, in many ways the little American navy was an efficient force in furthering the cause of the country chiefly because of agility. These vessels would dart in and out of a fleet of British merchantmen and capture such vessels as they thought were richly laden, before the British ships of the line could interfere. During 1776 more than 300 English vessels had been taken by the American cruisers, and during the next year, notwithstanding the fact that the British maintained 70 ships of the line on the American coast alone, 467 merchantmen were lost, some of which were of immense value. On the other hand, the American shipping met with many disasters, and not only a large number of merchantmen, but also several of the privateers fell into the hands of the British.* In 1778, after the conclusion of the treaty with France, Congress devoted much time and

329-332, 337; Stillé, *Wayne and the Pennsylvania Line*, pp. 129-130.

* Fiske says that prior to the French alliance more than 600 British vessels had been captured by the Americans while 900 American ships were taken by the British cruisers. *American Revolution*, vol. ii., pp. 118-119. See also Fisher, *Struggle for American Independence*, vol. i., chap. xxxiv., and authorities cited.

thought to the creation of a navy. Several vessels were constructed in France, others were bought, and a considerable number were built in America. In this year, therefore, the outlook for successful naval operations was particularly bright. Early in the year, Captain Nicholas Biddle, in the *Randolph*, a 36, engaged the British ship *Yarmouth*, a 64, but after twenty minutes of severe fighting, the *Randolph* blew up and Captain Biddle and the entire crew perished, with the exception of four men who were rescued a few days later from a piece of the wreckage.* During the year Paul Jones made his appearance along the English coast and completely terrorized all the seaport towns of that country.† Captain John Barry distinguished himself in an action off the coast of Maine with two English vessels, sustaining the

conflict for seven hours and finally escaping on shore with his crew.* Captain Silas Talbot likewise distinguished himself in October by making another well-planned and successful attack upon a British vessel off Rhode Island. At this time the schooner *Pigot*, being stationed at the mouth of the Sekonet River, had effectually broken up foreign commerce and had cut off all supplies and reinforcements for that part of the colony. Talbot obtained the consent of General Sullivan to attempt the capture of the vessel. In this project Talbot was successful, and the *Pigot* was carried off in triumph by the Continental forces. A month later Talbot received a complimentary letter from the President of Congress and was presented with a commission as lieutenant-colonel in the United States Army.†

CHAPTER XXIII.

1776-1779.

BORDER WARS: WYOMING: EXPEDITIONS OF CLARK AND SULLIVAN.

Cherokee war — The massacre of Wyoming — Slaughter of Colonel Baylor's regiment — Pulaski's corps attacked — Effect of these atrocities — Congress resolves upon retaliatory expeditions — Massacre of Cherry Valley — George Rogers Clark in the Northwest — Kaskaskia and Vincennes taken — Sullivan's expedition against the Six Nations — Other expeditions.

While the East was thus being deluged with blood, the West was undergoing no less severe trials. The

British were successful in their efforts to foment a war spirit among the Creeks, Cherokees, Choctaws and

* Bancroft, vol. v., p. 222; McCrady, *South Carolina in the Revolution*, pp. 233-235.

† See Cooper, *Naval History*, vol. i., pp. 87-90. See also the various lives of Jones, and Par-ton, *Life of Franklin*, vol. ii., pp. 335-343.

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 641.

† See Mr. Tuckerman's *Life of Commodore Talbot*, pp. 52-64; Richman, *Rhode Island*, pp. 233-235; S. Talbot, *Capture of Pigot Galley*, in *Rhode Island Historical Society MSS.*, vol. iii., no. 671.

Chickasaws, to which tribes numerous agents had been sent. The subsequent ravages of the Indians maddened the American frontiersmen and changed their resentment against the British king into a deadly and lasting hatred.* These Indian forays reacted unfavorably on the Loyalist cause, for the Indians were too intent upon plunder and rapine to distinguish between Whig and Tory, and as a result large numbers of the latter were driven into the patriot ranks.† The British agents showed poor generalship in inciting the uprising so early, for as yet the British troops in the South were few in number, and the Americans were unhampered in their operations against the Indians.

The Cherokee villages lay in that cluster of mountains which marks the ending of the present boundaries of Georgia and the Carolinas. These provinces lay to the east and south-east of them, while to the north in the valley of the upper Tennessee lay the villages of the Watauga pioneers, and still further north, the Virginia outposts. The Watauga settlements were certain to suffer as they were in close proximity to the Cherokees. Early in the summer of 1776, these Indians gave unmistakable signs of preparing for war — shining guns, making moccasins, etc.‡ The ravages began in June, though the main attack was deferred until July, when the various

bands of Indians spread all over the country, wrapping the back country settlements from the Holston to the Tugelou, from northwestern Georgia to southwestern Virginia, in all the horrors of savage warfare.* The Watauga people had been warned of the attack, and the majority sought safety in their wooden forts or stations, but some delayed their departure and were slain as they fled or else captured, perhaps to die by torture. The Indians now laid waste the fields and burned the homesteads for miles around, soon transforming a prosperous community into a desolate waste and reducing the settlers to poverty. Rather than remain idle up in the fort while the Indians safely committed these depredations, the pioneers on July 20, to the number of 170, marched out toward Island Flats. After dispersing a small detachment of Indians, they had begun the journey homeward when a large body of Indians attacked their rear, but were decisively defeated with great loss, including their chief Dragging Canoe. The American loss was four slightly wounded.† On the same day the Watauga fort, garrisoned by 40 or 50 men under Robertson and Sevier, was attacked by a large force, but the Indians could only maintain an irregular siege for about three weeks, at the end of which they retired, fearing the approach of rescuing parties of frontiersmen. Of

* Roosevelt, *Winning of the West*, vol. i., p. 279.

† *American Archives*, 5th series, vol. i., p. 610.

‡ *American Archives*, 5th series, vol. i., p. 111.

* Roosevelt, *Winning of the West*, vol. i., pp. 282-283.

† *Ibid*, pp. 286-290.

the garrison but few were killed or captured.

Early in June the settlements along the western borders of the Carolinas and Georgia had been attacked. A small party of Georgians had attempted to capture the British agent, Cameron, but the Cherokees surprised the party, killing some and capturing others.* The Southern colonies determined upon an immediate revenge before the British could interpose.† The Cherokees came down the Catawba into North Carolina and inflicted great damage upon the back district settlements, but General Griffith Rutherford raised a frontier levy and soon relieved the beleaguered settlements. The small band of Indians who invaded Georgia were repulsed by Colonel Samuel Jack with a force of 200 rangers; and not only were the Indians expelled, but two or three of their villages were destroyed.‡

The party of Indians invading South Carolina was led by Cameron himself. The frontiersmen were commanded by Colonel Andrew Williamson, who with 40 men took station at Picken's Fort, July 3. At about this time Lyndley's Fort on Rayborn Creek was attacked by 200 Indians and Tories, who were beaten back with some loss. By the end of July Williamson's force numbered more

than 1,100 militia and he began the advance toward the Indians. With a party of 300 horsemen, he attempted to surprise and capture Cameron, who lay at Oconoree Creek, beyond the Cherokee town of Eseneka, but was ambushed and compelled to retreat with a loss of 5 mortally and 13 severely wounded. He succeeded in burning a number of houses, however, together with some 6,000 bushels of corn. He then returned to camp and the next day resumed the march, on the way destroying all the lower Indian towns, including Seconee, Keowee, Ostatay, Chehokee, Eustustie, Sugaw Town and Brass Town. Leaving a garrison of 600 men at Eseneka, which was renamed Fort Rutledge, Williamson returned home.*

The Carolinas and Virginia then united for action. Each State sent a column of 2,000 men, and the Carolina troops were launched against the middle and valley sections, while the Virginia troops went against the Overhill towns. On September 1, 1776, Rutherford left the head of the Catawba with 2,400 North Carolina troops, passed over the Blue Ridge at Swananoa Gap, crossed the French Broad at the Warrior's Ford, and then pushed on through the mountains to the middle towns. With 900 picked men, he next set out to the valley towns along the Hiawassee, but missed his way in the mountains — thus fortunately escaping an ambush — and on September 18 returned to

* McCall, *History of Georgia*, p. 76.

† *American Archives*, 4th series, vol. vi., p. 1228.

‡ Roosevelt, *Winning of the West*, vol. i., pp. 294-295.

* *Ibid*, pp. 296-299.

the middle towns at Canucca, where he met Williamson with the South Carolina troops.* Williamson then passed on through Noewee Pass and fell into the ambush which had been prepared for Rutherford. After suffering a loss of 17 killed and 29 wounded, Williamson with great difficulty extricated himself from this perilous situation. Rutherford then joined Williamson and the combined forces laid waste all the valley towns and returned home without serious loss.†

Meanwhile, on October 1, the Virginia forces, including some North Carolina troops, in all 2,000 strong, under command of Colonel William Christian, had started from Great Island on the Holston and pressed forward until they reached the Big Island on the French Broad, where the Indians were encamped. When the latter learned of the strength of the Virginia forces, they precipitately fled, but Christian pursued and early in November reached their towns, where he remained two weeks, devastating the country for miles around. The Indians then agreed to peace, and after burning the town of Tuskega, Christian led his forces homeward.‡

It will be remembered that the royal peace commissioners had been unsuccessful in their mission. Considering the Americans as incorrigible rebels, the British took little pains to accord to them the ordinary

comities of war. As a part of their campaign to make the war odious to the Americans, the British launched the savage hordes against the frontiers, where all manner of outrages were committed. Among the most atrocious and saddest of these events were the massacres at Wyoming and Cherry Valley. Dr. Thacher, in his *Military Journal* (pp. 140-143), gives an excellent account of the massacre of Wyoming.* This place, located on the eastern branch of the Susquehanna River, consisted of eight townships, containing about 1,000 families. The settlement was in a flourishing condition and was surrounded by large farms devoted chiefly to the production of grain, hemp, fruit, etc. While the greater part of the inhabitants were loyal Americans, and had ardently espoused the American cause, still there were a considerable number who clung to the British side. As a result, animosities arose to an astonishing height, the closest connections being severed. A number of the inhabitants in a spirit of revenge abandoned their plantations and united with the Indian allies of the British, instigating and assisting them in their barbarous work of slaughter and death, even among relatives and close friends. The adherents of the American cause had received intelligence that the Indians

* *Ibid.*, pp. 300-301.

† *Ibid.*, pp. 301-303.

‡ *Ibid.*, pp. 303-306.

* See also Bancroft, vol. v., pp. 279-280; Fiske, *American Revolution*, vol. ii., pp. 82-90; W. L. Stone, *The Poetry and History of Wyoming* (3d ed., 1871); Miner, *History of Wyoming*; Lossing, *Field-Book of the Revolution*, vol. i., pp. 340-362.



THE MASSACRE OF WYOMING.

were about to set forth on an expedition against them and made preparations to repel the attack. Entrenchments and redoubts were constructed, and about July 1, 1778, the enemy to the number of about 1,600 Indians, Tories, and English were seen to be advancing. The commander of this motley combination was Colonel John Butler, probably one of the worst of the border ruffians. In the hope that they might deceive the inhabitants as to their intentions, the Indians notified the settlers that they had no hostile designs against them, and even the treacherous Butler sent word that for the present nothing would be done to molest the inhabitants in their daily tasks. Nevertheless, the inhabitants distrusted these professions of peace and with all rapidity pushed forward their preparations for defending the settlement. The able bodied men were placed under command of Colonel Zebulon Butler, while the women and children were sent to the forts as the safest place of refuge.

Hardly had this been done when the enemy approached, and pretending that they desired to confer with Colonel Butler, requested that he meet them at some distance from the fort for that purpose. Butler suspected their design and for protection took with him 400 armed men. In this piece of strategy, however, he was at fault, for hardly had he reached the meeting place when the whole body of the enemy surrounded the little band and attacked them from

every side. They defended themselves with great bravery, but only the commander and about 20 of his men succeeded in escaping. The enemy now pushed forward to invest the fort and cannonaded it the greater part of the day. After a cessation of the artillery fire, they demanded the surrender of the fort, and accompanying the message sent 196 scalps taken from the slain among Butler's party. Colonel Nathan Dennison, who had now succeeded to the command of the fort, intrepidly defended himself until most of his men had fallen. He then sent out a flag to inquire on what terms the garrison could surrender, and in reply received from the ferocious Butler the answer — "the hatchet." * Dennison was obliged to surrender at discretion, still retaining, however, a hope of mercy. In this he was utterly mistaken for Butler's threat was rigorously executed. After a few prisoners had been selected, the remainder of the people, including the women and children, were shut in the houses and barracks, which were then set on fire and the whole consumed together. Another fort in the vicinity, containing 70 Continental soldiers, was also captured and butchered in a similar manner.

The entire settlement was then set afire, though the houses and farms of the Tories were spared. The Indians then extended their cruelties to the

* Lossing, however, says this story has no foundation in truth — *Field-Book of the Revolution*, p. 359 note.

cattle in the field, committing all sorts of barbarous acts upon the dumb beasts. One of the prisoners, Captain Badlock (or Bidlack), was tortured by having his body stuck full of splinters of pine knots, and a fire of dry wood made around him; and two of his companions, Captains Ranson and Robert Durkee, were subjected to excruciating torture by being thrown into the same fire and held there with pitchforks until dead. As stated before a number of families had been split in twain over the merits of the cause and the results were seen in this massacre. Partial Terry, son of one of the American adherents, joined the Indian party and several times warned the family that he would exterminate it, if possible. During the massacre he carried out his threat, killing and scalping his father, mother, brothers and sisters. Thomas Terry butchered his own mother, his father-in-law, his sisters and their infant children, thus exterminating the family. A few of the inhabitants succeeded in escaping to the woods where they wandered for days in a starving and destitute condition until they reached habitations which had not been subjected to the savage fury. Such was one of the most dastardly acts perpetrated by the allies of the British. It was one of the darkest stains ever placed on the British escutcheon.*

Believing that Clinton contem-

plated an attack upon Boston, Washington established his headquarters at Fredericksburg, near the Connecticut border, about thirty miles from West Point. When the British fleet began the return voyage to New York, however, Washington knew that the enemy had no designs in that direction. But Clinton was not inactive; into New Jersey and the territory surrounding New York he sent foraging parties whose conduct was characterized by the same merciless cruelty as we have before noted in connection with their foraging expeditions. Toward the end of September, 1778, a regiment of troops under Colonel George Baylor had encamped near Tappan, New York, to watch a foraging party of British in that vicinity, and in turn were themselves suddenly surprised during the night. The slaughter was terrible and nearly the whole troop were killed.* About the middle of October, Major Patrick Ferguson made a similar assault upon the cavalry corps under Pulaski at Egg Harbor.† Regarding the im-

* Jones, *New York in the Revolution*, vol. i., p. 285; Stryker, *The Massacre at Old Tappan*; Stedman, *American War*, vol. ii., p. 41; Gordon, *American Revolution*, vol. iii., p. 194 (ed. 1788); Fisher, *Struggle for American Independence*, vol. ii., pp. 219-221. See also Colonel Williams' and Colonel Baylor's letters in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 211-212, 222-224.

† Stryker, *The Affair at Egg Harbor*; Bancroft, vol. v., p. 288; Draper, *King's Mountain and its Heroes*, pp. 56, 61; Jones, *New York in the Revolution*, vol. i., p. 287; Gordon, *American Revolution*, vol. iii., pp. 195-196; Stedman, *American War*, vol. ii., pp. 43-46; Lamb, *City of New York*, vol. ii., pp. 211-212.

* See also *Pennsylvania Archives*, vol. vi., pp. 626, 634, 647, 664.

policy of the British expeditions at this time, Sparks makes the following remarks:

"In fact this point of policy was strangely misunderstood by the British, or more strangely perverted, at every stage of the contest. They had many friends in the country, whom it was their interest to retain, and they professed a desire to conciliate others; yet they burned and destroyed towns, villages, and detached farmhouses, plundered the inhabitants without distinction, and brought down the savages, with the tomahawk and scalping knife, upon the defenceless frontier settlements, marking their course in every direction with murder, desolation and ruin. The ministry approved and encouraged these atrocities, flattering themselves that the people would sink under their sufferings, bewail their unhappy condition, become tired of the war, and compel their leaders to seek an accommodation. The effect was directly the contrary in every instance. The people knew their rights, and had the common feelings of humanity; and, when the former were wantonly invaded, and the latter outraged, it was natural that their passions should be inflamed, and that they who were at first pacifically inclined, should be roused to resistance and retaliation. If the British cabinet had aimed to defeat its own objects, and to consolidate the American people into a united phalanx of opposition, it could not have chosen or pursued more effectual methods." *

Having now become thoroughly aroused at the atrocious course pursued by the British, Congress also took up the matter, and on October 30 passed the following resolution:

"We, therefore, the Congress of the United States of America, do solemnly declare and proclaim that if our enemies presume to execute their threats, or persist in their present career of barbarity, we will take such exemplary vengeance as shall deter others from a like conduct. We appeal to that God who searcheth the hearts of men, for the rectitude of our intentions; and in his holy presence we declare, that, as we are not moved by any light and hasty suggestions of anger and revenge, so, through every possible change of fortune, we will adhere to this our determination."

* *Life of Washington*, pp. 282-283.

Profound sympathy for the sufferers at Wyoming was aroused throughout the country, and everywhere indignation was so high that a strong desire to punish the savage invaders became prevalent. For this purpose a regiment and two companies of militia, under the command of Colonel Hartley, marched against the Indian towns, destroyed a few and captured a number of prisoners, but because of the insufficiency of the force a retreat soon became necessary. Another regiment, the fourth Pennsylvania, together with a number of Morgan's riflemen under command of Lieutenant-colonel William Butler, marched to the defense of the western frontier. After a fatiguing march, Butler reached the Indian towns of Unadilla and Anaquagua, near the source of the Susquehanna, where a considerable quantity of corn had been stored. Butler quickly destroyed this and the Indian villages, driving the savages far into the interior and rendering a recurrence of their inroads more unlikely.

These small expeditions, however, did not inflict sufficient punishment on the Indians to deter them from massacres at other places. On November 11 a body of 500 Indians under Brant, and 200 rangers under Walter Butler made an attack upon the settlement at Cherry Valley, New York.* In command of the fort at that place was Colonel Ichabod

* *Clinton Papers*, vol. iv., pp. 266-300.

Alden, who appears to have been extremely negligent in his military duties and to have failed to provide against such an attack. As a result, the Indians completely surprised the little settlement. The most wanton acts of cruelty were committed, among which probably the best known is the murder of Miss Jane Wells, a full account of which is given by Judge Campbell.*

"She was a young lady, not distinguished for her personal beauty, but endeared to her friends by her amiable disposition, and her Christian charities; one 'in whom the friendless found a friend,' and to whom the poor would always say 'God speed thee.' She fled from the house to a pile of wood near by, behind which she endeavored to screen herself. Here she was pursued by an Indian, who, as he approached, deliberately wiped his bloody knife upon his leggings, and then placed it in its sheath; then drawing his tomahawk, he seized her by the arm; she possessed some knowledge of the Indian language, and remonstrated, and supplicated, though in vain. Peter Smith, a tory, who had formerly been a domestic in Mr. Wells's family, now interposed, saying she was his sister, and desiring him to spare her life. He shook his tomahawk at him in defiance, and then, turning round, with

one blow smote her to the earth. John Wells, Esq., at this time deceased, and the father of Robert Wells, had been one of the judges of the courts of Tryon County; in that capacity, and as one of the justices of the quorum, he had been on intimate terms with Sir William Johnson and family, who frequently visited at his house, and with also Colonel John Butler, likewise a judge. The family were not active either for or against the country; they wished to remain neutral, so far as they could, in such turbulent times; they also performed military duty, when called out to defend the country. Colonel John Butler, in a conversation relative to them, remarked: 'I would have gone miles on my hands and knees to have saved that family, and why my son did not do it God only knows.' '*

On the other hand, while the savages were spreading desolation along the borders of Pennsylvania and New York, Colonel George Rogers Clark prevented the same calamity on the Virginia borders. Clark believed that the time had now come for the conquest of the Northwest, and in December, 1777, laid before Governor Patrick Henry of Virginia a plan by which this might be accomplished. On January 2, 1778, Henry gave Clark two sets of instructions, one for raising 350 men for military service in Kentucky, the other, secret, ordering him to use this force to capture

* See also Stone's *Life of Brant*, vol. i., pp. 379-381; Lossing, *Field-Book of the Revolution*, vol. i., pp. 267-270; E. T. Tomlinson, *Red Chief: a Story of the Massacre of Cherry Valley* (1905).

* *Border Warfare of New York*, pp. 138-139. See also Roberts, *New York*, vol. ii., pp. 427-428.

Kaskaskia.* On June 24, 1778, Clark, who had now been joined by Simon Kenton,† started at the head of about 150 men and, after almost incredible exertions, penetrated to the British settlements on the Mississippi. On July 4 Kaskaskia (now a dependency of Canada, having been given to the British at the peace of 1763) was surprised and taken, and a few days later the neighboring town Cahokia was also captured, the inhabitants taking the oath of allegiance to America. Clark was now in a very dangerous situation, for not only was he far removed from his base of supplies and from all support, but was in the very midst of numerous fierce and hostile tribes. Nevertheless, his quick wit and his courage saved the whole band and quickly won the confidence of the natives. He formed his plans with remarkable quickness and great judgment and they were executed with promptness and courage. During the most inclement season of the year, he suddenly attacked the Indian villages and turned their own artifices against them, materially damp-

ening the ardor of the savages for further warfare on the frontiersmen.*

Having pacified the territory surrounding Kaskaskia, Clark dispatched an expedition to capture Rocheblave, the governor of the territory. This was successful. The governor was taken, together with his written instructions for the conduct of the war sent him from Quebec, Detroit and Michillimackinac. From these papers Clark gathered much important information regarding the plans of Colonel Henry Hamilton, then governor of Detroit. After having captured Vincennes, Hamilton intended to make a vigorous attack

* The most important sources of information for Clark's campaign of 1778-1779 are his own accounts, all four of which will be found in W. H. English, *Conquest of the Northwest*, vol. i., App. These accounts will be found separately in Jefferson's *Works* (Washington's ed.), vol. i., pp. 222-226; the memoir in Dillon, *History of Indiana*, pp. 127-184; and the journal from the Canadian Archives at Ottawa, in *American Historical Review*, vol. i., pp. 91-96, parts of which will be found also in Hart, *American History Told by Contemporaries*, vol. ii., pp. 579-582. Governor Hamilton's report from the Canadian Archives is in *Michigan Historical and Pioneer Collections*, vol. ix., pp. 489-516. See also *Colonel George Rogers Clark's Sketches of his Campaign in the Illinois in 1778-1779*, in *Ohio Valley Historical Series*, no. iii.; Hinsdale, *Old Northwest*, chap. x.; Ogg, *Opening of the Mississippi*, p. 354 et seq.; Thwaites, *How George Rogers Clark Won the Northwest*; Winsor, *The Westward Movement*, chaps. viii.-ix.; Hosmer, *Short History of the Mississippi Valley*, pp. 80-95; Roosevelt, *Winning of the West*, vol. ii., chap. ii.; Winsor, *Narrative and Critical History*, vol. vi., pp. 716-742; Jacob P. Dunn, *Indiana*, chap. iv.; W. H. Smith, *Indiana*, vol. i., chap. iv.; John Reynolds, *The Pioneer History of Illinois*, chap. iv.; Mann Butler, *Kentucky*, chaps. iii.-v.; *Illinois Historical Collections*, vol. i., pp. 199-204; Lossing, *Field-Book of the Revolution*, vol. ii., p. 287 et seq.

* Henry, *Life of Patrick Henry*, vol. i., pp. 584-588; Roosevelt, *Winning of the West*, vol. ii., pp. 36-38. For Governor Henry's instructions see W. H. English, *The Conquest of the Country Northwest of the River Ohio*, vol. i., pp. 92-104; *Clark's Campaign in the Illinois*, pp. 95-97. See also Moore, *The Northwest under Three Flags*, pp. 217-218; Dunn, *Indiana*, p. 133; and Henry's letter to the delegates in Congress, quoted in Tyler, *Life of Patrick Henry*, pp. 230-231.

† For a short sketch of Kenton's early career see Roosevelt, *Winning of the West*, vol. i., pp. 118, 158, 219, 241, 268, vol. ii., pp. 25-30.

upon the Virginia frontiers.* Clark soon received intelligence that Hamilton, believing himself safe because of his distance from danger and the difficulty of sending an expedition against him, had dispatched his Indians to harass the frontier, and had taken post at Vincennes, with only about 80 soldiers and three field pieces and some swivels.† Though he could muster only 170 effective men, Clark determined to seize the opportunity to attack Hamilton; this being the only means by which he could save himself and disconcert Hamilton's plans. About February 7, 1779, therefore, Clark sent out a small galley, mounting two four-pounders and four swivels and manned with a company of soldiers. This vessel was to proceed up the Wabash until she reached a point a few miles below Vincennes, instructions being given that no person be allowed to pass her. Clark himself then set out and spent sixteen days in crossing the country between Kaskaskia and Vincennes, being compelled to undergo all manner of hardship in the woods and marshes.‡ In crossing the drowned lands of the Wabash about five days were spent, and for miles at a time the members of the little band were compelled to wade through water up to their breasts.¶ At times the men almost

mutinied, but such was Clark's influence that all who were able continued on with him and soon reached their destination.* On February 24 Clark reached Vincennes and completely surprised the town. The inhabitants readily submitted to Clark's authority, but Hamilton, the governor, made an effort to defend the fort. On the next day, however, he was compelled to surrender himself and the garrison prisoners of war.† Because of his activities in inciting the Indians to atrocities, Hamilton had become so obnoxious to the Americans that the executive council of Virginia placed him and some of his agents in prison under irons.‡ Several months afterward, however, they were released on

torical Series, vol. iii., p. 99 *et seq.*; Dunn, *Indiana*, pp. 142-144. See also the excerpts from Bowman's *Journal* in Henry, *Life of Patrick Henry*, vol. i., pp. 597-601, and Clark's letter of April 29, 1779, to Governor Henry, vol. iii., p. 233 *et seq.*

* Roosevelt, pp. 72-73.

† See Law, *The Colonial History of Vincennes*; Ogg, *Opening of the Mississippi*, pp. 362-366; Smith in Powell's *Historic Towns of the Western States*; E. A. Bryan, *Indiana's First Settlement*; Clark's *Important Conquest of Post Vincennes*, in *Magazine of American History*, vol. xxi., pp. 386-403; Roosevelt, *The Winning of the West*, vol. ii., chap. iii.; English, *The Conquest of the Northwest*, vol. i., chaps. x.-xi.; Hamilton's report previously quoted; Dillon, *Indiana*, chaps. xii-xv.; Dunn, *Indiana*, pp. 138-151; Smith, *Indiana*, vol. i., chap. iv.; C. W. Butterfield, *History of George Rogers Clark's Conquest of the Illinois and Wabash Towns, 1778 and 1779* (1904); Moore, *The Northwest under Three Flags*, pp. 219-244; *Illinois Historical Collections*, vol. i., p. 255 *et seq.*; Cooke, *Virginia*, p. 450 *et seq.*

‡ Cooley, *Michigan*, pp. 99-100; Roosevelt, vol. ii., pp. 86-87. See also Jefferson's letters regarding this in Ford's ed. of *Jefferson's Writings*, vol. ii., pp. 246-256.

* *Michigan Pioneer Collections*, vol. ix., p. 489 *et seq.*

† Roosevelt, *Winning of the West*, vol. ii., p. 68.

‡ *Illinois Historical Collections*, vol. i., pp. 246-253; Roosevelt, p. 69 *et seq.*

¶ See Bowman's *Journal* in *Ohio Valley His-*

the recommendation of General Washington.* Clark's expedition was of especial benefit to the American cause, for it not only disconcerted Hamilton's plans and saved the western frontier from savage incursions, but also proved to the Indians that the Americans could fight equally as well as the British and that in the long run the Indians would gain nothing by adhering to the British.†

For a long time Congress had endeavored to persuade the Indians to remain neutral, if they could not espouse the cause of the revolutionists; but as the Indians refused to do this and continued their depredations, Congress determined to stop their ravages by inflicting upon them such punishment as their deeds merited. Among the Indians who participated in the massacre of Wyoming were those of the Six Nations, with the exception of a portion of the Oneidas, and Washington determined that these Indians should be taught a lesson they would not soon forget. General Sullivan was placed in command of 3,000 troops and ordered to proceed from Wyoming into the country of the Senecas, where his troops were to be joined by a force under General Clinton, proceeding from the Mohawk River. After the two forces had united, they were to march into the heart of the Indian

country and spread devastation on all sides. Washington directed Sullivan to be unsparing in his severity and ordered him to detach parties "to lay waste all the settlements around, with instructions to do it in an effectual manner, that the country may be not merely overrun, but destroyed." This should be done before Sullivan considered any overtures of peace.* Peabody says:

"It must be owned that orders like these come strangely from the pen of Washington. The most tender mercies of war are sufficiently cruel, when softened by all the mitigations which have resulted from the improved sentiment and feeling of modern times. These mitigations are not unlike the rules of chivalry, which make it dishonorable to strike at particular portions of the body, while each combatant was at perfect liberty to murder his opponent by hard blows on all the rest. But to ravage flourishing settlements with fire, to destroy them so effectually that, as in ancient times, the plough might pass over the places where they stood, and that not a trace of sustaining vegetation might remain in the fields whitening to the harvest, can hardly be thought of without emotions of pain and horror; they are the dark calamities of war, from which the heart turns shuddering away.

"But we are not to forget that they were designed to fall upon a foe, whose path was always to be traced in blood; against whose fury neither the helplessness of infancy, nor feeble age, nor the defenceless state of woman, could afford the least protection. We have already mentioned their atrocities at Wyoming and Cherry Valley; these had awakened a deep and universal conviction, that the only security against such enemies was to be found in driving them completely from the haunts, where urged on by British agents, or by loyalists more savage and relentless than themselves, they came forth to the work of death. They obeyed the impulses of their wild education, which converted cruelty and revenge into virtues; and the responsibility of the measures adopted

* Dunn, *Indiana*, p. 149; Ford's ed. of Jefferson's *Writings*, vol. ii., p. 258 *et seq.*

† Dunn, *Indiana*, p. 150. See also Henry's instructions for governing the territory, in Henry, *Life of Patrick Henry*, vol. iii., p. 209 *et seq.*

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* See the instructions in Sparks' ed. of Washington's *Writings*, vol. v., p. 264; also Sullivan's letter of April 10, 1779, in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 264-268.

against them must certainly rest upon those by whom they were stimulated to aggression, with a full knowledge of the consequences that must follow. It is enough to show how strong must have been the sense entertained of the necessity of such measures, at the time, when we see them planned and ordained by Washington; the last man to devise or desire anything which bore in his view the aspect of wanton cruelty."*

Marshall says:

"The devastation of the country has been spoken of with some degree of disapprobation; but this sentiment is the result rather of an amiable disposition in the human mind to condemn whatever may have the appearance of tending to aggravate the miseries of war, than of reflection. Circumstances existed, which reconciled to humanity this seeming departure from it. Great Britain possessed advantages, which insured a controlling influence over the Indians, and kept them in almost continual war with the United States. Their habitual ferocity seemed to have derived increased virulence from the malignity of the white men, who had taken refuge among them; and there was real foundation for the opinion, that an annual repetition of the horrors of Wyoming could be prevented only by disabling the savages from perpetrating them. No means in the power of the United States promised so certainly to effect this desirable object, as the removal of neighbors, whose hostility could be diminished only by terror, and whose resentments were to be assuaged only by fear."†

On August 11, 1779, Sullivan's army reached the point of confluence of the Tioga with the Susquehanna. On the 22d General Clinton arrived, and the united forces proceeded upon their work of devastation. The Indians under Brant determined to resist the American troops with all their force, and selected for a battle ground a place about one mile in front of Newtown. According to the estimates of General Sullivan, the

whole Indian force numbered 1,500 men, though the Indians themselves say there were about 800. About 200 whites were also with them. On a piece of rising ground the Indians had constructed a breastwork half a mile in length, the right flank being covered by the river, which, bending to the right and winding round the rear, left only the front and left of the breastwork open to attack. To the left was a high ridge nearly parallel to the general course of the river, which terminated a little below the breastwork. Still further to the left and in the same direction ran another ridge leading to the rear of the American army. The battle ground was thickly covered with underbrush and high trees, and the Indians had so constructed their breastwork that this underbrush completely concealed it from the approaching enemy. Furthermore, the road ran parallel to the breastwork and thus the whole flank of the passing enemy would be exposed to the fire of those within the breastwork. Beside the forces in the breastwork, parties of Indians were stationed on both hills so as to fall on Sullivan's flanks the minute the action should begin.

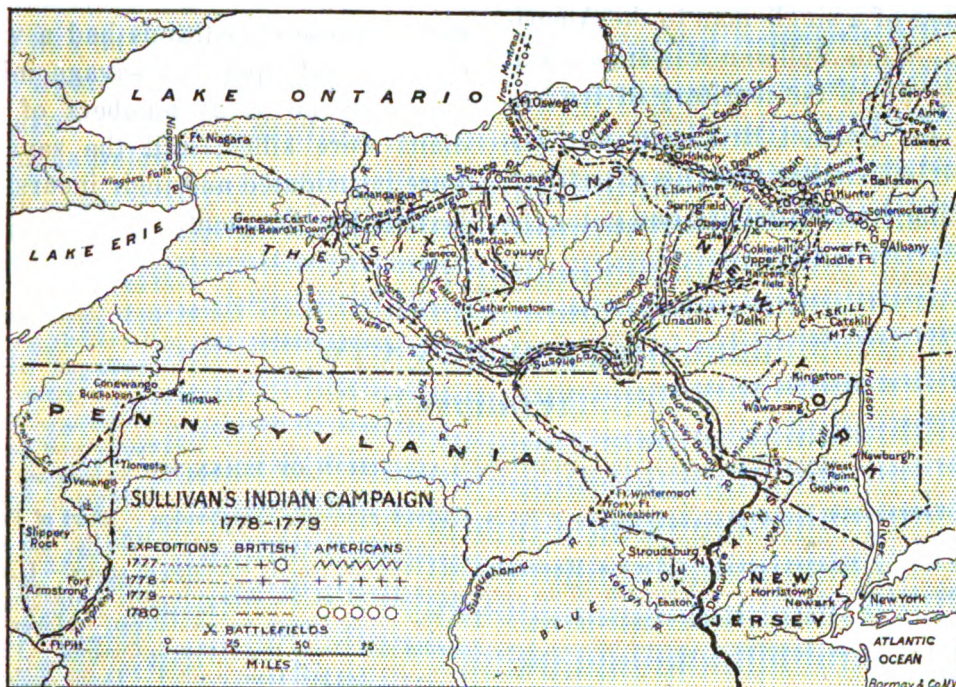
This arrangement had been discovered by Sullivan on August 29, and before beginning the general action, Sullivan ordered his men to drive the outlying parties toward the breastwork, so that he could not possibly be taken in the rear. When the main army had advanced. Sullivan directed

* *Life of General Sullivan*, pp. 128-129.

† Marshall, *Life of Washington*, vol. i., p. 323.

General Poor to take possession of the hill leading to his rear and then, turning to the left, to strike the breastwork upon the rear. Colonel Hand with the artillery was to attack the breastwork in front. These orders were promptly and effectively executed. While the artillery was battering the front of the breastwork,

American army lost 30 men and the Indian loss was correspondingly light, but the effect upon the Indians was considerable, for they were so intimidated that all resistance was abandoned. The Americans penetrated into the very heart of the country laying waste in every direction; houses, corn-fields, gardens,



Poor began a sharp attack upon the Indians stationed on the mountain. Though the defense was sustained for some time with much intrepidity, Poor finally pushed the Indians back and gained the summit of the hill. Now perceiving that their flank was exposed to attack and that they were in precarious situation, the Indians abandoned their breastwork and precipitately fled. In the attack the

orchards, etc., were completely destroyed. Early in October, having executed his orders, Sullivan returned to Easton, Pa., and shortly afterward was rewarded by Congress with a vote of thanks.*

* See Cooke, *Sullivan's Indian Expedition*; Conover (ed.), *Journals of the Military Expedition of Major-General John Sullivan against the Six Nations of Indians in 1779* (1887); the account by Rev. D. Craft, in Weller, *Centennial Celebration of General Sullivan's Campaign* (1880);

During the same year various other expeditions were sent against the Indians. In April Colonel Van Schaick, with 55 men, marched from Fort Schuyler into the Onondaga territory burning their settlements and destroying large quantities of provisions. In addition, 12 Indians were killed and 34 prisoners taken without the loss of a single man to the Americans. While Sullivan was engaged in laying waste the territory of the Six Nations, Colonel Brodhead was engaged in a similar task, his expedition starting from Pittsburg and going up

the Alleghany. He advanced about 200 miles up the river and destroyed a number of villages and large quantities of grain on the head branches of that river. As in New York, the Indians were unable to withstand the attack of the American troops, and after a slight and unsuccessful resistance, abandoned their villages to the mercy of the Americans. These expeditions had a wonderful effect upon the savage mind, for while no great numbers of Indians were killed, still the savages were intimidated and their incursions became less frequent.

CHAPTER XXIV.

1778-1779.

GENERAL LANGUOR : DEPRESSED CONDITION OF FINANCES.

Party dissensions in Congress — Washington's letter to Harrison expressing apprehension — Effect of French alliance — Washington's intercourse with Congress — Relaxation in vigorous preparations for war — Inefficiency of American army — Efforts of Washington and others to remedy condition of affairs — Lust for riches among contractors — Depression of the currency — Revolt of the Jersey Brigade — Washington's address to the latter — Issues of paper money — Trouble among foreign representatives — Money borrowed in foreign countries — Quarrel between Lee, Franklin and Deane transferred to Congress — Paine's connection with the dispute — The accounts of Beaumarchais — Lee and Izard recalled — Deane discharged — His subsequent career — Further issues of money — Treasury board reorganized — Prices of commodities rise — Riot in Philadelphia — Convention at Hartford — States slow in remitting quotas — States called upon for specific supplies — The new currency — Committee appointed to investigate condition of army — Their report.

The jealousies and party dissensions prevailing in Congress at this time were a source of great anxiety to Washington. By far the greater

part of the prominent men who had been connected with that body had long since resigned; of the number left only a few continued to perform their duties; and those who attended the sessions were of comparatively small weight and influence.* As a

Gordon, *American Revolution*, vol. iii., pp. 307, 491 (ed. 1788); Ford's ed. of Washington's *Writings*, vol. vii., pp. 307, 460-463, vol. viii., pp. 9-17; Lossing, *Field-Book of the Revolution*, vol. i., pp. 271-278; Stone, *Life of Brant*, vol. ii.

* Irving, *Life of Washington*, vol. iii., pp. 514-515.

general thing, not more than 30 members were present at any one time and frequently some of the States were entirely unrepresented. Furthermore, party feuds greatly interfered with the work of Congress and had a tendency to completely disorganize every department connected with the government. Washington was deeply concerned at this condition of affairs, and in a letter to Benjamin Harrison of Virginia, dated December 18, 1778, he gives expression to his apprehensions as follows:

"It appears as clear to me as ever the sun did in its meridian brightness that America never stood in more eminent need of the wise, patriotic, and spirited exertions of her sons than at this period; and, if it is not a sufficient cause for general lamentation, my misconception of the matter impresses it too strongly upon me, that the states, separately, are too much engaged in their local concerns, and have too many of their ablest men withdrawn from the general council, for the good of the common weal. In a word, I think our political system may be compared to the mechanism of a clock, and that we should derive a lesson from it; for it answers no good purpose to keep the smaller wheels in order, if the greater one, which is the support and prime mover of the whole, is neglected.

"How far the latter is the case, it does not become me to pronounce; but, as there can be no harm in a pious wish for the good of one's country, I shall offer it as mine, that each state would not only choose, but absolutely compel their ablest men to attend Congress; and that they would instruct them to go into a thorough investigation of the causes, that have produced so many disagreeable effects in the army and country; in a word, that public abuses should be corrected. Without this, it does not, in my judgment, require the spirit of divination to foretell the consequences of the present administration; nor to how little purpose the states individually are framing constitutions, providing laws, and filling offices with the abilities of their ablest men. These, if the great whole is mismanaged, must sink in the general wreck, which will carry with it the remorse of thinking that we are lost

by our own folly and negligence, or by the desire perhaps of living in ease and tranquillity during the expected accomplishment of so great a revolution, in the effecting of which, the greatest abilities, and the most honest men, our American world affords, ought to be employed.

"It is much to be feared, my dear sir, that the states, in their separate capacities, have very inadequate ideas of the present danger. Many persons removed far distant from the scene of action, and seeing and hearing such publications only, as flatter their wishes, conceive that the contest is at an end, and that to regulate the government and the police of their own state is all that remains to be done; but it is devoutly to be wished that a sad reverse of this may not fall upon them like a thunderclap, that is little expected. I do not mean to designate particular states. I wish to cast no reflection upon any one. The public believe (and, if they do believe it, the fact might almost as well be so) that the states at this time are badly represented, and that the great and important concerns of the nation are horribly conducted, for want either of abilities or application in the members, or through the discord and party views of some individuals. That they should be so, is to be lamented more at this time than formerly, as we are far advanced in the dispute, and, in the opinion of many, drawing to a happy period; we have the eyes of Europe upon us, and as I am persuaded many political spies to watch, who discover our situation, and give information of our weaknesses and wants." *

While the French alliance had given a great impetus to the cause of the colonies, still it had considerable ill effect upon the community. People considered that, as the French king had determined to lend his aid in securing to America independence from Great Britain, it was unnecessary that the Americans continue their exertions. To many it seemed as though it were only necessary to allow the French to fight the battles for the Americans, and when the war had finally been won, without any hard-

* Sparks, *Life of Washington*, pp. 286-287.

ship or sacrifice upon their own part, to accept the independence thus gained as a matter of course and of right. Consequently, general languor and indifference prevailed. Thinking that the final result of the war was now a foregone conclusion and being very nearly exhausted by the long protracted struggle, the Americans began to grow weary of the fight and to shrink from every sacrifice. Public and private enterprises lagged; accessions to the army came in but slowly, and even for those who came in it was difficult to provide supplies. The necessity of emitting still further and greater sums of paper money had led to a number of deplorable circumstances; attempts to sustain the currency at par were abortive, and hard currency afterward became so valuable that it was worth ten, fifteen and twenty times the face value of the colonial bills. The Tories began to emit forged Continental currency, which helped to depreciate the value of paper money. Prices soared far beyond the ability of people to pay, and a wide field of speculation opened itself to contractors and speculators, who seized the opportunity to acquire sudden riches amidst the distresses of their compatriots. As a result of this depression, probably none suffered more than the army itself, for supplies were so high that Congress could not issue enough paper money to buy sufficient quantities and could obtain but little coin money. In South Carolina a pair of

shoes cost \$700 in paper money, while the pay of the officers and privates was hardly sufficient to provide them even the barest existence. Speaking of these speculators, Washington said, "I would to God that some one of the more atrocious in each state was hung in gibbets upon a gallows five times as high as the one prepared for Haman. No punishment in my opinion is too severe for the man who can build his greatness upon his country's ruin.*"

During 1778 but little had been accomplished by the army and both the Americans and French had been unsuccessful in their attempts to drive the British from the continent. On the other hand, however, the British had been unable to make any accession to the territory under their sway. Therefore, in order to concert plans for the coming year, Washington visited Philadelphia to hold personal intercourse with the members of Congress. In this service about five weeks was spent, during which it was finally concluded, considering the condition of the army and the general state of affairs, to act chiefly on the defensive, with the exception of punishing inroads upon the borders. Washington exerted the whole weight of his influence to offset the general impression that the mere fact of the French alliance would result in the ultimate success of the American conflict and that it in itself would relieve

* Lodge, *George Washington*, vol. i., p. 253.

the generally depressed economic conditions. He corresponded with members of Congress and the governors of the various States and other influential citizens, pointing out the fallacy of the belief that peace was near and showing that a force sufficient for active operations should be immediately raised, equipped and well supported. He said also that whatever arrangements were made for the army should be made early so that the recruits could all be assembled at headquarters by January 1. Despite his urgent requests, it was not until January 23, 1779, that Congress passed resolutions to reënlist the army, and not until March 9 were the States requested to furnish their quotas. The military establishment for 1780 did not receive consideration until some time later, and was not agreed upon until February 9; even then the men were not required to reach headquarters until April 1. Thus when the American army should have been in the field coöperating with the French, nothing had been done with the exception of granting authority to reënlist and recruit the army. This delay was most inopportune and vexatious.

The winter of 1778-1779 had been particularly severe. In New York and Staten Island the British suffered from lack of fuel and other supplies from the country, for Washington had established his troops in that vicinity so as to cut off completely the British garrison from communication

with the outside world. They therefore no longer enjoyed the security which their insular position hitherto offered. Having used every available piece of material for fuel and having entirely consumed the supplies already in the city, the garrison were compelled to make frequent expeditions into the country, which occasioned many skirmishes, though without any great damage to either side. The army under Washington, however, was too weak to attack the British army even in its present precarious situation. Had he been properly supported, Washington would have seized a number of opportunities to effectively assault the garrison, for the reënforcements sent to the South had greatly reduced it and there was no possible chance of success. But Washington was now numerically weaker than his enemy and could not consider any enterprise of a hazardous or risky nature. Furthermore, he was destitute of necessary supplies, particularly clothing, and could not undertake active operations during the winter.

In addition to the inactivity of the army, affairs in general were in a depressed state. While at first the news of the French alliance had filled the people with unbounded enthusiasm, the protraction of the struggle had been quite beyond expectations and their enthusiasm speedily began to die out and their ardor to cool. After the surrender of Burgoyne and the arrival of the French troops in

America, the notion was entertained that the war was virtually at an end and that the French would finish the quarrel with the British while the Americans stood by and, in case of victory, reap all the benefits. This considerably alarmed Washington and those who had the sagacity to see the outcome of this tendency toward relaxation, and they used every endeavor to remedy the condition of affairs. They issued numbers of exhortations to the people, pointing out that the respect of the allies should not be forfeited by their own weakening conduct, that peril was still at hand, and that they must continue their exertions if they wished the war to terminate successfully. It was in vain, however. The people would not be aroused, for they had become reckless as to consequences, and were willing to risk their future on the turn of events, provided they themselves were not compelled to undergo any further hardships.

The army had been recruited very slowly. Large numbers of the veterans had served the term for which they had enlisted and retired to their homes, while others became tired of serving a government from whom they received only paper money in payment for their services, and deserted. Congress had stipulated that new recruits must enlist for three years or until the end of the war, and on this basis but few volunteers could be secured; while on the other hand, short time volunteers were of no use

in the army, and Washington had repeatedly expressed with sorrow his inability to put any faith in them. Conscription was considered too hazardous to be adopted in the present state of the public mind. Therefore, it was fortunate for the army and for the country that the British remained idle during this period and did not undertake any expeditions of great magnitude.*

Lukewarmness and indifference, however, were not the only influences with which the patriots were called upon to contend, for among a certain class of people a lust for riches had sprung up—no matter how these riches were obtained. Large numbers of men sought to acquire private fortunes at the expense of the public, and nothing mattered to them so they could fatten on the substance of the state. While the patriots were exerting their energies, spending their private fortunes, and devoting their very lives to their country, these speculators unblushingly plundered the public and divided the spoils. All private contracts became the object of their usurious influence and nefarious gains; contracts for army supplies were padded and very often the States were mulcted of huge sums of money for which they received absolutely nothing. While robbing with their hands, these plunderers were singing forth their own praises and lauding

* See Greene's letters to Washington in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 271-275, 371-374, and other letters in the same volume.

themselves as being the only ones animated with national patriotism and a desire for freedom. Those who refused to concur in their plans for debauching the public credit and plundering the continental treasury were denounced as Tories, Loyalists, bought by England, etc.

The great poverty of the country at this time led to the issuing of enormous sums of irredeemable paper currency, which, from the very nature of things, soon became almost worthless; and with malignant cruelty, the British added to the confusion by issuing quantities of counterfeit paper. The faith in contracts was dead and everywhere violated, and the government itself was a party to the pecuniary frauds of these agents and servants. Innumerable times hardened creditors had taken advantage of their contracts which had been made when paper and coin were at par, and demanded at the present time the fulfillment of these contracts in coin. Others compelled creditors to take depreciated continental bills, which upon their face were equal in value to coin, in payment of debts contracted at the time when coin was current. The contagion soon became general, spreading throughout the country, and even Washington himself experienced a taste of such fraudulent transactions on the part of those to whom he had given aid in times of dire necessity. The country suffered, too, from the activities of certain speculators, who by circulating favorable and

unfavorable news, as suited their purposes, reaped huge rewards from the temporary rise or fall in the currency. At first but a few were successful, but when others saw fortunes being made from this kind of speculation, they immediately engaged in the nefarious traffic and the most estimable and upright soon sank into indigence. The contagion spread to all classes of persons and finally the soldiers became infected, refusing to enlist unless an enormous bounty were given them. No one would contract to furnish supplies to the government, nor manufacturers to supply the contractors, without enormous profits. Few would accept public office without a large salary and illicit perquisites. Washington summed up the state of affairs in a few short sentences to Harrison, as follows:

"If I were to be called upon to draw a picture of the times and of men, from what I have seen, heard, and in part know, I should in one word say that idleness, dissipation, and extravagance seem to have laid fast hold of most of them; that speculation, peculation, and an insatiable thirst for riches seem to have got the better of every other consideration, and almost of every order of men; that party disputes and personal quarrels are the great business of the day; while the momentous concerns of an empire, a great and accumulating debt, ruined finances, depreciated money, and want of credit, which, in its consequences, is the want of everything, are but secondary considerations and postponed from day to day and week to week as if our affairs wore the most promising aspect." *

Undoubtedly the disorder and confusion in the finances and general

* Irving, *Life of Washington*, vol. iii., p. 516; Lodge, *George Washington*, vol. i., pp. 253-254.

affairs greatly affected labor conditions; the ordinary pursuits of commerce and industry were abandoned for the more alluring chances of gaining fortunes by speculation without any appreciable effort.*

The effect of this general disorder was seen directly in the army, for so greatly had paper money depreciated that the pay of officers and privates was unequal to their support,† which of necessity produced great discontent. In May, 1779, the Jersey Brigade had been ordered to march to the West, but General Maxwell replied to this order by stating that the officers of the first regiment had sent a remonstrance to their colonel, addressed to the New Jersey Legislature, in which they declared that, unless their previous complaints regarding pay were given immediate attention, they were to be considered at the end of three days as having resigned their commissions. In case of such a contingency, they requested the Legislature to appoint officers to take their places. Knowing the justice of their demands, the sufferings through which they had gone, and the sterling patriotism of the general rank and file, Washington was heartily in sympathy with them, but at the same time foresaw the result of such action on their part. Therefore, in

the capacity of friend and commander, he wrote a letter to General Maxwell to be laid before the officers* in which he made a forcible appeal to their patriotism, as follows:

"There is nothing which has happened in the course of the war, that has given me so much pain as the remonstrance you mention from the officers of the first Jersey regiment. I cannot but consider it a hasty and imprudent step, which, on more cool consideration, they will themselves condemn. I am very sensible of the inconveniences under which the officers of the army labor, and I hope they do me the justice to believe, that my endeavors to procure them relief are incessant. There is more difficulty, however, in satisfying their wishes, than perhaps they are aware of. Our resources have been hitherto very limited. The situation of our money is no small embarrassment, for which, though there are remedies, they cannot be the work of a moment. Government is not insensible of the merits and sacrifices of the officers, nor unwilling to make a compensation; but it is a truth of which a very little observation must convince us, that it is very much straitened in the means. Great allowances ought to be made on this account, for any delay and seeming backwardness which may appear.

"Some of the states, indeed, have done as generously as was in their power; and if others have been less expeditious, it ought to be ascribed to some peculiar cause, which a little time, aided by example, will remove. The patience and perseverance of the army have been, under every disadvantage, such as do them the highest honor at home and abroad, and have inspired me with an unlimited confidence in their virtue, which has consoled me amidst every perplexity and reverse of fortune, to which our affairs in a struggle of this nature, were necessarily exposed.

"Now that we have made so great a progress to the attainment of the end we have in view, so that we cannot fail, without a most shameful desertion of our own interests, any thing like a change of conduct would imply a very unhappy change of principles, and a forgetfulness as well of what we owe to ourselves as to our country. Did I suppose it possible this should be the case, even in a single regiment of the army, I should be mortified and chagrined beyond expression. I

*See Botta, *History of the War of Independence*, vol. iii., pp. 76-91.

†For a brief resumé of this subject see Ramsey, *History of the American Revolution*, vol. ii., pp. 12-22.

* Irving, *Life of Washington*, vol. iii., pp. 520-521.

should feel it as a wound given to my own honor, which I consider as embarked with that of the army. But this I believe to be impossible. Any corps that was about to set an example of the kind would weigh well the consequences; and no officer of common discernment and sensibility would hazard them. If they should stand alone in it, independent of other consequences, what would be their feelings on reflecting that they had held themselves out to the world in a point of light inferior to the rest of the army? Or, if their example should be followed, and become general, how could they console themselves for having been the foremost in bringing ruin and disgrace upon their country? They would remember that the army would share a double portion of the general infamy and distress; and that the character of an American officer would become as despicable as it is now glorious.

"I confess the appearances in the present instance are disagreeable; but I am convinced they seem to mean more than they really do. The Jersey officers have not been outdone by any others, in the qualities either of citizens or soldiers; and I am confident no part of them would seriously intend any thing that would be a stain on their former reputation. The gentlemen cannot be in earnest; they have only reasoned wrong about the means of attaining a good end, and, on consideration, I hope and flatter myself they will renounce what must appear improper.

"At the opening of a campaign, when under marching orders for an important service, their own honor, duty to the public, and to themselves, and a regard to military propriety, will not suffer them to persist in a measure which would be a violation of them all. It will even wound their delicacy coolly to reflect, that they have hazarded a step which has an air of dictating terms to their country, by taking advantage of the necessity of the moment.

"The declaration they have made to the state, at so critical a time, that 'unless they obtain relief in the short period of three days, they must be considered out of the service,' has very much that aspect; and the seeming relaxation of continuing until the state can have a reasonable time to provide other officers, will be thought only a superficial veil.

"I am now to request that you will convey my sentiments to the gentlemen concerned, and endeavor to make them sensible of their error. The service for which the regiment was intended, will not admit of delay. It must at all events march on Monday morning, in the first place to

this camp, and further directions will be given when it arrives. I am sure I shall not be mistaken in expecting a prompt and cheerful obedience."

This considerably softened the attitude of the officers, and while they did not recede entirely from their claims, they continued to serve in the army and declared to the commander-in-chief "their unhappiness that any step of theirs should give him pain." They said that their conduct was justifiable under the circumstances, as they were in extreme want and repeated memorials to their Legislature had produced no change. They added:

"We have lost all confidence in that body. Reason and experience forbid that we should have any. Few of us have private fortunes; many have families who are already suffering every thing that can be received from an ungrateful country. Are we then to suffer all the inconveniences, fatigues, and dangers of a military life, while our wives and our children are perishing for want of common necessities at home; and that without the distant prospect of reward, for our pay is now only nominal? We are sensible that your Excellency cannot wish or desire this from us.

"We are sorry that you should imagine we meant to disobey orders. It was, and still is, our determination to march with our regiment, and to do the duty of officers until the legislature should have a reasonable time to appoint others; but no longer.

"We beg leave to assure your Excellency, that we have the highest sense of your ability and virtues; that executing your orders has ever given us pleasure; that we love the service, and we love our country; but when that country is so lost to virtue and to justice as to forget to support its servants, it then becomes their duty to retire from its service."

While Washington realized the justice of their complaints, he also knew that to comply with their demands was impossible, and in this embarrassing situation he deemed it best to

take no other notice of their letter than to declare to the officers through General Maxwell, "that while they continued to do their duty, he should only regret the part they had taken." A short time afterward the Jersey Legislature made partial provision for their troops, who thereupon continued to serve without further complaint. Washington knew by experience the ill consequences likely to result from the measures adopted by the Jersey Brigade, and he therefore urged upon Congress that some general and adequate provision be made for the army officers, observing, "that the distresses in some corps are so great, that officers have solicited even to be supplied with clothing destined for the common soldiery, coarse and unsuitable as it was. I had not power to comply with the request. The patience of men animated by a sense of duty and honor, will support them to a certain point, beyond which it will not go. I doubt not Congress will be sensible of the danger of an extreme in this respect, and will pardon my anxiety to obviate it." Congress, however, was greatly divided upon this matter; some agreed with Washington that a permanent army should be established, well equipped, well supplied and well supported; while others feared that a permanent army would infringe upon their future liberties and emphatically stated their preference for enlistments for short periods not exceeding a year. Others favored a

State system, and the occasional calling upon the States for quotas for the Continental army. In the consideration of military affairs, sometimes one party predominated and sometimes the other, the consequence of which was that Washington at no time received the undivided support of Congress.

Meanwhile the finances continued to be a source of anxiety and much trouble. Bills of credit constituted the main resource of Congress and as their value depreciated, the issues became larger and larger. During the first six months of 1778, \$23,500,000 had been issued, but this being insufficient, \$5,000,000 were authorized in July, \$15,000,000 in September, and \$10,000,000 each in November and December, thus bringing the total for the year up to \$63,500,000 and the total outstanding up to nearly \$100,000,000. "Several millions of these bills had been exchanged for certificates of loan bearing interest; but the bills thus borrowed had been immediately paid out again, and the certificates of war, serving themselves to a certain extent as a currency, helped also to increase the depreciation, which, before the end of the year, amounted in the North to six, in the South to eight for one."* The States had been called upon also to raise \$15,000,000 of paper dollars by taxation, and in December, 1778, were

* Hildreth, vol. iii., p. 284.

again called upon to raise \$6,000,000 annually for eighteen years, beginning with 1780.* This sum was to be appropriated to pay the interest of all loans made to the United States previous to that year, and the balance, as well as the \$15,000,000 previously called for, was to be cancelled. During 1778 the total expenditures amounted to \$67,000,000 (worth in specie about \$24,000,000) which was nearly the same amount as had been expended during the previous year.

Trouble now arose among the representatives of Congress in France. In the latter part of 1777 John Adams had been sent to France to take the place of Deane who was recalled to give an account of his conduct.† When Adams arrived at Paris, he found Deane and Franklin on one side and Arthur Lee on the other engaged in a violent quarrel, which even the recall of Deane did not terminate.‡

* Bancroft, vol. v., p. 294.

† Parton, *Life of Franklin*, vol. ii., pp. 249-251; John Adams, *Works*, vol. i., p. 275 *et seq.*, vol. iii., pp. 94-120, vol. vii., p. 5 *et seq.*

‡ John Adams, *Works*, vol. iii., p. 123. "He [Franklin] said there had been disputes between Mr. Deane and Mr. Lee; that Mr. Lee was a man of an anxious, uneasy temper, which made it disagreeable to do business with him; that he seemed to be one of those men, of whom he had known many in his day, who went on through life quarrelling with one person or another till they commonly ended with the loss of their reason. He said, Mr. Izard was there too, and joined in close friendship with Mr. Lee; that Mr. Izard was a man of violent and ungoverned passions; that each of these had a number of Americans about him, who were always exciting disputes, and propagating stories that made the service very disagreeable; that Mr. Izard * * * instead of minding his own business * * *

Congress, therefore, on September 14, 1778, appointed Franklin sole commissioner to France, Arthur Lee still remaining commissioner to Spain, though not allowed to enter that country. Adams had avoided participation in the quarrel as much as possible, but in the new arrangement of commissionerships no notice seems to have been taken of him and he soon hastened home intending to return to his law practice "to make writs, draw deeds, and be happy."* With all their dissensions, however, the commissioners had succeeded in borrowing 3,000,000 livres (about \$500,000) from the court of Spain, but this sum proved very insufficient out of which to pay for arms and stores and for the equipment of cruisers and to meet the bills for interest drawn upon them by Congress.†

The quarrel between the commissioners was now transferred to America. Arthur Lee had written home letters full of insinuations against both his colleagues, but more

spent his time in consultations with Mr. Lee, and in interfering with the business of the commission to this court; that they had made strong objections to the treaty, and opposed several articles of it; that neither Mr. Lee nor Mr. Izard was liked by the French; that Mr. William Lee, his brother, * * * called upon the ministers at Paris for considerable sums of money, and by his connection with Lee and Izard and their party, increased the uneasiness, &c., &c., &c." See also pp. 138, 159-161, 175-176; vol. vii., pp. 14-15.

* John Adams, *Works*, vol. i., pp. 280 *et seq.*, 289-290, vol. iii., p. 219, vol. vii., pp. 82-83, 87.

† Hildreth, vol. iii., pp. 265-266; Morse, *Life of Franklin*, pp. 261 *et seq.*, 291 *et seq.*; Hale, *Franklin in France*, vol. i., p. 228 *et seq.*

particularly against Deane, through whose hands almost all the receipts and expenditures of the commissioners had passed. Similar insinuations were made against Deane by Ralph Izard and by William Carmichael, the former secretary of the commissioners, the latter claiming that Deane had appropriated the public money to his private use.* Carmichael and Deane were now examined at the bar of Congress the latter later making a written report. The adherents of Deane, led by Robert Morris, Gouverneur Morris, and other members of Congress well acquainted with mercantile matters, now opened an acrimonious debate with the Lee adherents, headed by Richard Henry Lee, brother of Arthur Lee, and chairman of the Committee for Foreign Affairs.† Deane published an "Address to the People of the United States" in the *Philadelphia Gazette* in which, beside attacking the Lees, he claimed the credit for securing the supplies obtained through Beaumarchais.‡ Thomas Paine, at this time secretary to the Committee for Foreign Affairs, then entered the lists in behalf of Arthur Lee, in a reply in the *Phila-*

delphia Packet of January 2, 1779, claiming that the arrangement with Beaumarchais had been made by Arthur Lee while in London; and that those supplies, while furnished by a mercantile house, really came from the French court. Paine's publication angered Gérard, the French ambassador, as it involved France in a charge of double dealing with England, and in consequence Paine resigned his office. Congress denied that the French court had made any presents of money or supplies previous to the late treaty of alliance.*

It subsequently developed, however, that the French court had furnished Beaumarchais 1,000,000 livres, but that the shipments made by Beaumarchais amounted to a much larger sum, being, according to his account, over \$1,000,000. The proceeds of certain cargoes of tobacco were credited against this, but a heavy balance still remained and he sent an agent to Philadelphia to solicit payment. Congress soon afterward gave him bills of exchange, payable three years after sight, drawn on Franklin, for nearly \$500,000 and by him accepted and paid when due out of the funds loaned by the French court. The accounts of Beaumarchais were evidently kept in a careless manner, and this was one of the charges against Deane, but it likewise might have been made with equal justice against Lee and Franklin.

* Charges of incompetence were made also against Franklin. See Morse, *Life of Franklin*, p. 287 *et seq.* For excerpts from some of his letters see Parton, *Life of Franklin*, vol. ii., pp. 254 *et seq.*, 354, also chap. x.

† See Oberholtzer, *Life of Robert Morris*, p. 52 *et seq.*; W. G. Sumner, *Robert Morris*, p. 29 *et seq.*; Roosevelt, *Gouverneur Morris*, pp. 93-94.

‡ See Adams' letter to Vergennes regarding this, in John Adams, *Works*, vol. vii., pp. 79-80.

* Parton, *Life of Franklin*, vol. ii., pp. 356-359; John Adams, *Works*, vol. i., p. 283.

The warmth of the discussion influenced Congress to recall Izard and William Lee. Deane was finally discharged from his attendance on Congress and returned to France for the settlement of his accounts, under which he claimed that Congress owed him a large balance. Congress, however, did not appoint any one to settle the accounts of their agents; and as this claim constituted Deane's sole support, its nonpayment reduced him to poverty. "No proof appears that he had been dishonest, or had employed the public money in speculations of his own, as his enemies alleged; but he had occupied the unfortunate position of having large sums of public money pass through his hands before any proper system of vouchers and accountability had been established, and he fell before the same spirit of malignant accusation which presently assaulted Wadsworth, Greene, Morris, and even Franklin himself, but which they had better means of warding off. Some letters from Deane to his friends in America, intercepted and published a year or two afterward, in which he expressed the wish and hope for an accommodation with Great Britain ruined him forever, and extinguished the least desire to do him justice." *

* Hildreth, vol. iii., p. 270. See also Foster, *Century of American Diplomacy*, p. 35 et seq. Mr. Elkanah Watson, writing in 1781, says: "On my return from Brussels, I called upon the once celebrated Silas Deane, at Ghent. He was a member of the first Congress, a sensible and intriguing man, and our early secret agent at the court of

While distracted by these disputes, Congress was still wrestling with the financial problem. Though there were now \$100,000,000 of Continental money in circulation, Congress, at the beginning of 1779, authorized \$50,000,000 more, the faith of the United States being pledged to redeem these on or before January, 1797, under the futile scheme already mentioned of having the States contribute \$6,000,000 annually for eighteen years. The channels of circulation were already full and this issue met with little success, being considered a poor investment. But the issues did not stop here. In February \$10,000,000 more were authorized with \$20,000,000 loan-office certificates: in April \$5,000,000 of bills of credit were issued; and in May and June \$20,000,000 additional. This rapid issue caused the depreciation to reach twenty for one; and in May Congress requested the States to pay \$45,-

France. He had lost his high standing both in France and America. I found him a voluntary exile, misanthropic in his feelings, intent on getting money, and deadly hostile to his native land. His language was so strong and decided on the subject of American affairs, and evinced so much hostility to his native land, that I felt constrained, upon my return to Paris, to announce to Dr. Franklin my conviction that Mr. Deane must be regarded an enemy alike to France and America. He observed to me, that similar reports had reached him before, but that he had been unwilling to admit the truth." In a note, Mr. Watson quotes from a letter of John Trumbull, the author of *McFingal*, some remarks in vindication of Mr. Deane, and calculated to explain, at least, in part, the reasons which led to many of his acts.—See *Men and Times of the Revolution*, pp. 130-131. See also Pitkin, *Political and Civil History of the United States*.

000,000 more of the bills in addition to the \$15,000,000 already called for.*

In the summer of 1779 the Treasury Board was reorganized, but this did not prevent the rapid depreciation in the value of bills of credit. They now passed at the rate of twenty for one, but were still a lawful tender for the payment of debts. This situation afforded many a dishonest debtor an opportunity to pay his debts at a very cheap rate, a species of legalized robbery which caused much suffering.† The public clamor against this state of affairs became louder and louder, and in order to quiet it, Congress on September 1, 1779, resolved that the issue should not exceed \$200,000,000. The bills already out amounted to \$160,000,000.‡ The loans prior to August 1, 1778, the interest of which was payable in bills on France, were \$7,500,000; and the loans contracted since, the rate of interest upon which was to increase as the issues were increased, amounted to more than \$26,000,000. The debt abroad was estimated at \$4,000,000. The States had paid in but \$3,000,000 of the \$6,000,000 in paper money already issued.||

Prices of commodities also continued to rise and finally became so high§ that they occasioned a riot at

the very doors of Congress. In Pennsylvania party spirit was still very violent, the constitutional party, who were in power, favoring the regulation of trade by law and the enactment of strong measures against encroaching, while the leaders of the opposition took the other side. A committee of Philadelphia citizens had undertaken to regulate the prices of ham, salt, flour, sugar, coffee, etc., after the example of Boston and other places, but Robert Morris and some of the leading merchants refused to conform. James Wilson became particularly obnoxious and he was denounced as a defender of Tories, for which it was proposed to banish him and some of his friends. These friends, among whom were George Clymer and Mifflin and probably Morris,* assembled at Wilson's house and were there attacked by a mob with small arms and cannon. One of the inmates of the house was killed and two wounded, but before any further damage could be done, President Joseph Reed of Pennsylvania appeared with a few cavalry and dispersed the mob. Prosecutions were begun on both sides, but before the proceedings had gone far the Assembly passed an act of oblivion.†

It was useless to deny the great depreciation and a convention of the

* Hildreth, vol. iii., p. 271; Bancroft, vol. v., p. 439.

† Bullock, *Monetary History of the United States*, pp. 65, 69; Bancroft, vol. v., p. 292.

‡ Bancroft, vol. v., p. 440.

|| Hildreth, vol. iii., p. 296.

§ Regarding this see Kalb's letters quoted in Kapp's *Life of Kalb*, pp. 183-184. On December

8, 1779, Madison wrote: "Corn is already at £20, and rising. Tobacco is also rising. Pork will probably command any price. Imported goods exceed everything else many hundred per cent."—Madison's *Works* (Congress ed.), vol. i., p. 32.

* Sumner, *Robert Morris*, p. 36.

† Hildreth, vol. iii., pp. 297-298.

five Eastern States, held at Hartford October 20, 1779, proposed that prices be regulated on the basis of twenty for one, at the same time advising that a convention be held at Philadelphia at the beginning of the year for the general adoption of this scheme.* Congress, however, while approving the plan, urged the States to put the regulation into force at once, without waiting for a convention.

The remainder of the \$200,000,000 of Continental bills was issued before the end of the year, at which time the depreciation stood at thirty for one, but the clamor was now stopped. Washington doubted that the stoppage of money issues was expedient, for he saw no other means of feeding the army, and soon afterward an attempt was made to secure further issues.

The States were exceedingly slow in remitting the amounts allotted to them, and to meet pressing necessities Congress sold long-date bills of exchange on Jay and Laurens, which were to be met by the proceeds of loans to be obtained in Holland and Spain. Those bills were sold for paper at the rate of twenty-five for one, it being required that the purchaser lend an additional amount equal to the purchase money.

The expenditures for the year reached a total of \$160,000,000, of which \$100,000,000 were new issues and \$60,000,000 the proceeds of loans,

taxes, and bills sold; but the specie value of the whole did not equal \$10,000,000. The only resources to which Congress could look forward for the ensuing year were the unpaid balance of the \$65,000,000 of paper already called for and a further call from the States, except Georgia, for \$15,000,000 monthly, the payments of which were to begin in February, 1780.

In January, 1780, the depreciation of the currency had reached forty for one, and the hope of regulating prices at a convention at Philadelphia was destroyed. The army commissaries had no money with which to obtain food, and credit would not be extended them; consequently, Washington adopted the harsh expedient of levying contributions on the country surrounding his camp, each county being called upon for a certain quantity of the necessities, in payment for which the commissaries gave certificates. A plan was then formulated of calling upon the States for "specific supplies"—pork, beef, salt, flour, corn, rice, hay, tobacco, rum, etc.—the States being credited at fixed prices for the supplies furnished. For immediate use in place of certificates, the commissaries were given drafts on the State treasuries for the portions of their unpaid quotas of the requisitions heretofore made.*

* Bancroft, vol. v., p. 446.

* Hildreth, vol. iii., pp. 301-302; Washington's *Writings* (Ford's ed.), vol. vi., p. 281. See also Oberholtzer, *Life of Robert Morris*, p. 61 et seq.

Congress now advised the States to repeal all laws which made the old bills legal tender, at the same time offering to receive gold and silver at the rate of forty for one in charge of the unpaid State quotas. A scheme was adopted which, it was hoped, would give the Federal treasury a moderate supply, and also draw in and cancel the outstanding bills of credit. "As the bills came in, in payment of the fifteen millions already called for, they were to be cancelled; but, for every twenty dollars so cancelled, one dollar was to be issued in 'new tenor,' bearing interest at five per cent., and redeemable in specie within six years; these new bills to be guaranteed by the confederacy, but to be issued on the credit of the individual states in proportion to their payments of the old tenor; each state to provide for redeeming its own issues at the rate of a sixth part yearly, and to receive for its own use six-tenths of the new issue, the other four-tenths to belong to Congress. This process, if fully carried out, would substitute for the outstanding two hundred millions of old bills, ten millions in 'new tenor,' of which six would go to the states paying in the bills, and four to the federal treasury. While a better, and, it was hoped, a stable currency would thus be provided in place of the old tenor, the states would be furnished with means to purchase 'the specifics' demanded by Congress. The federal treasury, also, would be moderately supplied,

without the necessity of imposing new taxes." *

Those who held commissary certificates for supplies furnished to the army now complained because they would be compelled to pay Continental taxes while the certificates were still unpaid. Congress therefore resolved that these commissary certificates might be used at their nominal value for paying all Continental taxes. Congress endeavored also to satisfy the complaining element in the army by passing a resolution in April, 1780, that the deficiency of pay occasioned by the depreciation of the currency would be made up to the troops as soon as the condition of the finances would allow, but this resolution gave no immediate relief.

Shortly afterward, a committee was appointed to investigate the condition of the army and in May it reported that "the army was five months unpaid; that it seldom had more than six days' provisions in advance, and was on several occasions, for sundry successive days, without meat; that the army was destitute of forage; that the medical department had neither sugar, tea, chocolate, wine, nor spirits; and that every department was without money or even the shadow of credit."† Under these trying conditions the campaign in the South was begun.

* Hildreth, vol. iii., p. 302; Bancroft, vol. v., pp. 442-443.

† See Hildreth, vol. iii., p. 304.

CHAPTER XXV.

1779.

[OPERATIONS IN THE SOUTH.]

British under Campbell land at Savannah — Americans defeated and Savannah captured — Moderation of Colonel Campbell — General Lincoln arrives at Charleston — Plundering of the Tories — Campbell compelled to retreat from Augusta — General Ashe defeated by Prevost — The latter's irruption into South Carolina — Lincoln pursues Prevost — Prevost retreats from Charleston — Battle of Stono Ferry — American army goes into summer encampment — Desertion of the soldiers — General Matthews in Virginia — French fleet arrives at Savannah — French and American forces defeated in attack upon Savannah — Count Pulaski killed — Enterprise of Colonel John White.

As their operations in the North had resulted in little less than failure, the British determined to transfer the scene of operations to the South. As Georgia was now one of the weakest States in the Union and at the same time abounding in provisions of all kinds, it was decided to begin the southern campaign from Savannah. Toward the close of November, 1778, Colonel Archibald Campbell sailed from New York, and after a voyage of three weeks, landed near the mouth of the Savannah River. From the landing place a narrow causeway, 600 yards in length, with a ditch on each side, led through a swamp, and here a small party of Americans attempted to dispute the passage of the British, but unsuccessfully. Between the morass and the city, General Robert Howe, to whom the defence of Georgia had been committed, placed himself with a force of about 800 Americans and prepared to make a resolute defence. Having knowledge of the situation of the American

troops, a negro carried the information to Campbell and apprized him of a by-path by which he could gain the rear of the American encampment and attack the American detachment simultaneously from both sides. Campbell thereupon sent a force against the Americans, and in the conflict 100 of the latter were killed and wounded and between 400 and 500 made prisoners.* Thus within a few hours after landing, the British had possessed themselves of the fort and of the stores it contained, together with the shipping in the river and a large quantity of provisions. In addition, they were in possession of the capital of Georgia. Such of the American forces as escaped fled up

* Fiske, *American Revolution*, vol. ii., pp. 166-167; Carrington, *Battles of the Revolution*, p. 460; Stedman, *American War*, vol. ii., p. 68 *et seq.*; Moultrie's *Memoirs*, p. 251 *et seq.*; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 525-526; McCrady, *South Carolina in the Revolution*, pp. 326-329; Sullivan's letter of January 5, 1779, to Washington, in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 244-247; Lowell, *Hessians in the Revolution*, pp. 239-240.

the Savannah River and crossed into South Carolina.*

Shortly after the fall of Savannah, the fort at Sunbury, commanded by Lieutenant-colonel Lachlan McIntosh, surrendered to the British.† Troops had also been rushed to the British from St. Augustine, and in command of the combined forces from these places and from New York was placed General Augustine Prevost. Some time prior to his arrival, a proclamation had been issued requesting the inhabitants to submit to British authority with promises of protection, provided they would arm to support the British cause. In his treatment of the inhabitants, Colonel Campbell displayed great moderation, and by his humane methods probably accomplished more in a short time toward reestablishing British authority in that vicinity than all the other officers who had preceded him. He not only subdued all attempts at opposition, but for a time completely obliterated every trace of republican government, paving the way for the revival of royal authority. In fact, Georgia was the only State in the Union in which, after the proclamation of the Declaration of Independence, a legislative body was convened under the authority of the crown.

*Fisher, *Struggle for American Independence*, vol. ii., pp. 229-230.

† McCrady, *South Carolina in the Revolution*, pp. 324, 336; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 526-527.

In command of the American forces in the Southern department was General Benjamin Lincoln, who toward the close of 1778, arrived at Charleston and began vigorous preparations to resist British encroachments. The troops in the Southern department were not only badly disciplined but miserably furnished, and it was some time before Lincoln could place an army in the field which was capable of making any strenuous resistance to the British. In compliance with the recommendation of Congress, North Carolina had raised 2,000 men, who were sent under command of Generals John Ashe and Griffith Rutherford to join Lincoln.* Upon receiving word of Howe's defeat at Savannah, Lincoln established his headquarters at Purrysburg on the Savannah; his forces at this time numbered between 2,500 and 3,000 men, many of whom were new levies and militia. The British army under Prevost was somewhat larger and greatly superior in equipment and training. Nevertheless, Prevost found that it was no easy task to advance into South Carolina, for the Savannah River lay between the two armies. For about 100 miles from its mouth this river flowed through a marshy country, and at no place was there any solid ground on both sides of the river that made a crossing possible. There were only a few narrow causeways through the

* McCrady, *South Carolina in the Revolution*, pp. 314, 330-332; Lossing, *Field-Book of the Revolution*, vol. ii., p. 552.

marsh where it could be passed, and on many occasions even these could not be crossed by an army. Thus, both the American and British generals were unable to attack each other or to cross the river for the purpose of attacking isolated posts. General Prevost did, however, send out detachments along the coast; among these being a detachment of 200 men under Major Gardiner, who were sent to take possession of the Island of Port Royal. But early in February, Gardiner was attacked by General Moultrie and compelled to retreat with severe loss. For the present, therefore, General Prevost decided to make no further attempts on South Carolina.*

The British confined their operations to Georgia and endeavored to recruit their army from the Tories of South Carolina. About 700 of these banded together under command of Colonel Boyd and marched along the western frontier of South Carolina, intending to join the British at Augusta, Ga. Their whole journey was marked by plunder and outrage, and the inhabitants of the country through which they passed were thoroughly aroused. The Whig militia of the district of Ninety Six assembled under Colonel Andrew Pickens to prevent further outrage on the part of the Tories, but leaving

a guard at the Cherokee fort to prevent the Tories from crossing the Savannah, Pickens departed upon some other service, and during the absence the Tories succeeded in crossing the river. With 300 men, however, Pickens immediately set out in pursuit, and on February 14 the two forces met. After an engagement lasting about three-quarters of an hour the Tories gave way and were utterly routed—their loss being 40 killed, including Colonel Boyd, while Pickens lost only 9 killed and several wounded. Those Tories who escaped quickly dispersed all over the country, some going to North Carolina and others returning home, where they threw themselves upon the mercy of their State government. Being citizens of South Carolina they were tried in the regular manner and 70 condemned to death, but only five of the principals were executed and the others were pardoned.*

General Lincoln fixed his encampments at Black Swamp, and nearly opposite to Augusta on the north side. In order to strengthen the last and to take advantage of any opportunity which might offer for crossing the river and limiting the British operations to the sea-coast of Georgia, Lincoln sent General Ashe to the upper parts of the country. On February

* Carrington, *Battles of the Revolution*, p. 464; McCrady, *South Carolina in the Revolution*, pp. 339-340; Lossing, *Field-Book of the Revolution*, vol. ii., p. 553.

* McCrady, *South Carolina in the Revolution*, pp. 337-338; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 505-506; Stedman, *American War*, vol. ii., p. 108; Ramsay, *American Revolution*, vol. ii., p. 15.

10 Ashe set out with about 1,500 North Carolina militia and the remains of the Georgia Continentals, arriving three days later at the camp of General Andrew Williamson, opposite Augusta. Upon the approach of the American forces, Colonel Campbell hastily retreated from Augusta and early the next morning placed fourteen miles between his army and the enemy. Undoubtedly Campbell's great haste was due to either one of two facts, that he had received false intelligence regarding the strength of Ashe's force, or had learned of the arrival of a large body of Continentals at Charleston. This intelligence was credited by Campbell, who saw that, if he did not make a hasty retreat, escape would be cut off. Ascertaining that Campbell had abandoned Augusta, Lincoln on February 16 instructed Ashe that, were the enemy out of the upper part of the country, he should follow them down as fast as possible and prevent a junction with the British forces below. He was ordered to attack the small British force before it could join the other, and thus be in a position to decisively defeat him. On the 22d Lincoln sent Ashe the following word: "I think that Briar Creek will be a good stand for you until some plan of co-operation be digested, for which purpose, as soon as you arrive there, I will meet you at the Two Sisters, you appointing the time." With 1,200 troops and 200 light horse, Ashe crossed the Savannah, and on the

morning of the 27th arrived at the lower bridge on Briar Creek; Ashe now having gone to meet Lincoln, General Brian and Colonel Samuel Elbert placed the troops in camp.*

On March 2 the outposts of the enemy were reported as having been seen, and on the following day the commanders were informed that one of the soldiers had been shot; but little or no notice was taken of these occurrences. Nor was anything done toward repairing the bridge which Campbell had destroyed on his march downward, though it was reported that the repairs would take but a few hours. Within an hour after the report was made regarding the shooting of this soldier, word was sent from the outposts that 500 British regulars were at the ferry. Soon after four o'clock, a few of the American horse returned from skirmishing with the enemy and orders were given that the troops be formed into platoons from the right and composed into a column. Shortly after this the British light infantry appeared. While the small body of British regulars was making a feint in front, Lieutenant-colonel Prevost, after a circuitous march of about 50 miles, came unexpectedly on Ashe's rear with about 900 troops, including some horse.† Upon the appearance of the British light infantry,

* On these movements see Lossing, *Field-Book of the Revolution*, vol. ii., pp. 506-507.

† Carrington, *Battles of the Revolution*, pp. 464-465. Lossing, *Field-Book of the Revolution*, vol. ii., p. 507, says Prevost had 1,800 men.

Ashe said to Elbert, the commander of the continentals, "Sir, you had better advance and engage them." The Continentals, though not more than 100 rank and file, advanced thirty yards in front of the enemy and began a sharp fire upon them; this continuing for about fifteen minutes. Ashe and the North Carolina militia, however, remained about one hundred yards in the rear entirely inactive, and instead of supporting the advance party were so panic stricken that they fled in confusion without even discharging their muskets. The Georgia regulars, therefore, finding themselves deserted and being almost surrounded by the enemy, abandoned the conflict and used their utmost endeavors to escape. Elbert exerted all his influence to rally them, but it was in vain. He and the survivors of his brave corps were made prisoners. The American loss was 150 killed and 227 captured. None had any chance of escaping except by crossing the river, in attempting which many were drowned; of those who reached safety, a large number returned home and never afterward rejoined the American army, the number that did so being not more than 450.* Thus the British secured possession of Georgia, establishing communication with the Indians and the Tories of North and South Carolina.† Sir

James Wright was then reestablished in his former office as royal governor.*

The people of South Carolina were determined not to abandon the struggle without a supreme effort in behalf of their liberty. John Rutledge was elected governor† and endeavored to send reinforcements to the army and to place the State in a condition to defend itself against British invasion. A reinforcement of 1,000 men was sent to join Lincoln, who on April 23 marched up the Savannah with the main body of his army. This movement was made chiefly for the purpose of protecting the Georgia Legislature, which was to assemble at Augusta on May 1. At this time the river was in full flood, the marshes and swamps along its banks were completely inundated; and it was believed that a small body of troops would be able to defend the country against an invading army. General Lincoln, therefore, left only 200 Continentals and 800 militia under Colonel McIntosh, the whole commanded by General Moultrie, who, it will be remembered, had distinguished himself at Sullivan's Island in 1776. It was supposed that if the British should invade the territory, the militia would probably take the field in defending their homes. General Prevost, however, pursued a different

* McCrady, *South Carolina in the Revolution*, pp. 343-345; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 507-508.

† Bancroft, vol. v., pp. 368-369.

* See B. F. Stevens, *Facsimiles of MSS. in European Archives relating to America, 1773-1783*, nos. 1270, 1274.

† McCrady, *South Carolina in the Revolution*, chap. xiii.

course than that which the Americans expected. Instead of marching up the river and attacking Lincoln in the interior, Prevost endeavored to compel the return of Lincoln from his expedition by making an irruption into South Carolina.* On April 29, after Lincoln had gone a long distance on his way toward Augusta, General Prevost, with 2,500 troops and a considerable force of Indians, suddenly passed the river near Purrysburg, compelling McIntosh, who was there stationed with a small force, to retreat to General Moultrie at Black Swamp.† Prevost made a rapid march into the interior and compelled Moultrie to retire hastily before him, destroying the bridges on his way. The militia showed little courage in the field and could not be prevailed upon to defend the passes in the face of large numbers. Moreover, many of those under Moultrie's command deserted, and the State government was not as successful in recruiting the militia as had been expected; consequently, Moultrie's force was rapidly diminished.

Immediately after the British had passed the river, Lincoln was informed of the movement; but as he was then nearly opposite Augusta, he considered Prevost's movement as a feint to recall him from the upper

parts of the river.* He therefore determined to continue in his project, and, instead of being recalled himself, compelled the British general to return to the defense of Augusta. Dispatching a body of 300 light troops to Moultrie's assistance and crossing the river at Augusta, he continued upon his way on the south side toward Savannah. Meanwhile, the British had suffered little opposition, as Moultrie's force was insufficient to make a successful resistance. Moreover, the troops were in a state of panic because of the plundering tactics of the British, who seemed determined to desolate the country in a most uncivilized manner.† The citizens of Charleston made every preparation to defend the city: the houses in the suburbs were destroyed; cannon were mounted at intervals along the peninsula between Ashley and Cooper rivers; and 3,000 troops were assembled to repel the threatened attack.‡

On May 11 a detachment of Prevost's army crossed the ferry at Ashley River and appeared before Charleston.|| Lincoln in the meantime had sent word that he was re-

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 553.

† See McCrady, *South Carolina in the Revolution*, pp. 392-395; Ramsay, *Revolution in South Carolina*, vol. ii., pp. 30-34.

‡ Moultrie in his *Memoirs*, vol. i., p. 429, estimates the force at 3,180 but McCrady says that Rutledge's estimate of 2,500 is nearer the truth.—*South Carolina in the Revolution*, pp. 363-364.

|| Lossing, *Field-Book of the Revolution*, vol. ii., pp. 553-554.

* This evidently was Prevost's original intention, but as the way to Charleston was open he determined to pursue it. See Stedman's *American War*, vol. ii., p. 110.

† McCrady, *South Carolina in the Revolution*, p. 352.

turning toward Charleston, and Governor Rutledge, knowing this, desired to gain time. He therefore entered into negotiations with the British and used every obstructive tactic with which he was acquainted. The commissioners from the American garrison were instructed to "propose neutrality during the war between Great Britain and America, and that the question whether the state belong to Great Britain or remain one of the United States, be determined by the treaty of peace between these powers."* Prevost refused to consider such a proposal and insisted that, as they were in arms, the people of the city must surrender as prisoners of war.† Rutledge refused to surrender on such terms, and it was expected that an assault would be made immediately. But as Prevost had learned that Lincoln was rapidly approaching, he deemed it expedient to retreat, as he had no hope of capturing the city by assault.‡

In his retreat, however, Prevost did not take the direct route by which he had advanced, for Lincoln was near at hand with his army and in Charleston there was a considerable garrison. Instead, after passing Ashley Ferry, he turned to the left and proceeded

to the coast, which, because of its numerous islands, afforded him the easiest and safest means by which he could transport his baggage to Savannah. As the British possessed great naval superiority over the Americans, pursuit of Prevost was practically out of the question, for the British naval forces in the vicinity were able to give Prevost all the protection necessary. Having reached the coast, Prevost first went to St. James Island and then to St. John, where he awaited the arrival of provisions sometime previously sent from New York. In spite of all difficulties, General Lincoln arrived at Dorchester from Charleston before Prevost had passed the Ashley Ferry, and upon learning the direction taken by the latter, immediately set off in pursuit. He soon came within reaching distance of the British and placed his army in encampment, the two armies then being about thirty miles from Charleston.* The opposing forces remained in their respective positions until June 20, when a detachment of about 1,200 Americans attacked 700 British and Hessians at Stono Ferry. For over an hour the contest raged and probably would have resulted in victory for the Americans, if the force under Moultrie had succeeded in passing over to James Island in time so as to attack the British from a different point. But Lincoln decided that it was best

* McCrady, *South Carolina in the Revolution*, pp. 366-370; Moultrie's *Memoirs*, vol. i., p. 433; Ramsay, *Revolution in South Carolina*, vol. ii., p. 27; Gordon, *American Revolution*, vol. iii., p. 257; Moore, *Diary of the American Revolution*, vol. ii., p. 162.

† McCrady, pp. 373-375.

‡ Lossing, *Field-Book of the Revolution*, vol. ii., p. 555.

* McCrady, *South Carolina in the Revolution*, p. 382.

to retire and draw off his forces in good order.* The British loss was 23 killed and 103 wounded;† the American loss was 146, including 24 officers killed and wounded, beside 155 missing.‡ Three days after the battle, the British evacuated Stono Ferry and St. John Island, continuing their march until they reached Beaufort on the island of Port Royal, where a garrison was left by General Prevost under the command of Lieutenant-colonel Maitland.||

The heat had now become so intense that active operations were impossible, for the summer climate of the South acted in a similar manner as the winter cold of the North. The chief duties of the commanders during this hot season were to prevent the spread of fevers in the army and to keep their soldiers in condition for the next campaign, which would probably open in October. The American militia dispersed, leaving Lincoln with only about 800 men which he placed in encampment at Sheldon, near Beaufort.§ The operations carried on by the British at the coast alarmed Washington, and, weak as his own army was, he sent a detachment, consisting of Bland's cavalry

regiment and the troops under Lieutenant-colonel William Washington' with some new levies, to Lincoln's aid.

The principal result of the irruption of Prevost into South Carolina was the pecuniary loss of the inhabitants of the province, for it did no credit to the British army nor in any way served the British cause. Plunder and devastation marked every stage of the march of the British army; houses were entered and robbed of plate, money, jewels, etc., and oftentimes what the soldiers could not carry away was destroyed.* Large numbers of slaves, allured by promises of freedom, deserted their homes and repaired to the British army. In the hope of gaining the favor of the British, some disclosed the places where the valuables of their masters had been concealed. For these services the negroes did not obtain the expected reward; many were shipped to and sold in the West Indies, while hundreds died of camp fever. Others, overtaken by sickness and disease, were ordered from the British camp and went to the woods, where they perished miserably, being afraid to return to their masters for proper treatment. In this way it is calculated that South Carolina lost about 4,000 slaves. In order to save as much as possible of their property, many of the inhabitants professed their attachment to the royal cause.†

* *Ibid.*, pp. 385-389; Lee, *Memoirs of the War*, pp. 130-131; Stedman, *American War*, vol. ii., pp. 116-118; Moultrie's *Memoirs*, vol. i., pp. 495-498; Lowell, *Hessians in the Revolution*, p. 241.

† Stedman, *American War*, vol. ii., p. 118.

‡ Lossing, *Field-Book of the Revolution*, vol. ii., p. 555.

|| *Ibid.*

§ McCrady, *South Carolina in the Revolution*, pp. 395-396.

* Bancroft, vol. v., p. 371.

† Gordon, *American Revolution*, vol. iii., pp.

During 1779-1780 there were few operations of any note by either the British or American armies; the latter remained chiefly on the defensive, while the British devoted themselves principally to punitive expeditions and enterprises, with the hope of distressing the people and ruining them so that they would abandon the American cause. The territory surrounding Chesapeake Bay suffered greatly from these depredations. In 1779 General George Collyer (or Collier), who had superseded Admiral Gambier as commander of the British naval forces in America, concerted a plan with Sir Henry Clinton for interrupting the commerce of the Chesapeake and destroying the magazines along the coast. In accordance with this plan, 1,800 men under General Matthews were sent out under convoy; the whole fleet started from Sandy Hook May 5, 1779, and three days later reached the Chesapeake. The fleet anchored in Hampton Roads, and on the 10th entered the Elizabeth River. The American forces in that vicinity were unable to offer effective resistance to this overwhelming force, and fled, allowing the British troops to land unopposed.* General Matthews established his headquarters at Portsmouth, from which point he sent out

small parties to Norfolk, Suffolk, Kemp's Landing, and Gosport, where it is claimed that they destroyed or carried off large quantities of military stores and sank or abandoned more than 130 ships, some of which were heavily laden.* The losses sustained by the public and individuals were enormous, without being of any real advantage to the British. Jefferson says they were "unjustifiable by the usage of civilized nations."† After having accomplished the object of this expedition, General Matthews returned north to New York.‡

Meanwhile, in November, 1778, d'Estaing had sailed for the West Indies for the purpose of attacking and capturing the British Islands. Dominica had already fallen into the hands of the French, but to offset this the British had captured St. Vincent's and Grenada and spread great alarm throughout the West Indies. The fleets of the two nations soon engaged in a warm but indecisive combat after which d'Estaing prepared to return home;|| but at the urgent request of Governor Rutledge, General Lincoln and the French Consul, he

253-260 (ed. 1788); Stedman, *American War*, vol. ii., pp. 103-120.

* See Henry's letters of May 11 and 12 to the President of Congress quoted in Tyler, *Life of Patrick Henry*, pp. 236-237; Henry, *Life of Patrick Henry*, vol. iii., pp. 239-240.

* See Henry's letter of May 21, quoted in Tyler, *Life of Patrick Henry*, p. 238; Henry, vol. iii., p. 241; also May 19, vol. ii., p. 30; and the British account, in *Virginia Historical Magazine*, vol. iv., p. 181.

† Ford's ed. of Jefferson's *Writings*, vol. ii., p. 242.

‡ Gordon, *American Revolution*, vol. iii., p. 260 (ed. 1788); Stedman, *American War*, vol. ii., pp. 136-139.

|| Gordon, *American Revolution*, vol. iii., pp. 286-293 (ed. 1788); Stedman, *American War*, vol. ii., pp. 91-101.

set sail for Savannah, where on September 1, 1779, he arrived with twenty-two ships of the line and a number of smaller vessels. Upon his arrival, the *Experiment*, a 50 gun ship, and several other British ships were captured.* Upon learning of the arrival of d'Estaing, General Lincoln, with about 1,000 men, marched to Zubly's Ferry on the Savannah, but had great difficulty in crossing the river and its marshes. On the evening of September 13, however, he reached the southern bank and encamped on the heights of Ebenezer, about twenty-three miles from Savannah. At this place Colonel McIntosh with his detachment reinforced him, and shortly afterward Pulaski's legion arrived. On the same day that Lincoln passed Zubly's ferry, d'Estaing landed 3,000 men at Beaulieu, and on September 16 the two armies united before Savannah.† At Savannah was General Prevost in command of the British troops in the Southern provinces, and, apprehending no danger from the Americans, he had detached a considerable portion of his troops to establish outposts in Georgia; a strong detachment was left also under Colonel Maitland at Beaufort, on the island of Port Royal, South Carolina. On the appearance

of the French fleet, however, Prevost called in his outposts.* So slow were the movements of the French and Americans that, before the former had landed or the latter had crossed the river, all the British detachments in Georgia had assembled at Savannah, thus bringing the number of the British troops up to nearly 2,500.†

Upon his arrival before the city, d'Estaing summoned Prevost to surrender, but being anxious to gain time, the British general, under some pretext, persuaded the French commander to suspend hostilities for twenty-four hours. During this time he pushed forward the work of strengthening his defences with all possible speed, and before the twenty-four hours had elapsed, Colonel Maitland with his detachment had arrived from Beaufort. Thereupon the British general announced his intention to defend the city to the last extremity.‡ The French and American generals determined to lay siege to the town and began their preparations with that end in view. Several days were consumed in bringing up heavy artillery and stores from the fleet and ground was broken before the town on September 23, 1773. By October

* Stedman, *American War*, vol. ii., p. 123.

† Lee, *Memoirs of the War*, p. 137; Stedman, vol. ii., p. 127; Moultrie's *Memoirs*, vol. ii., p. 41.

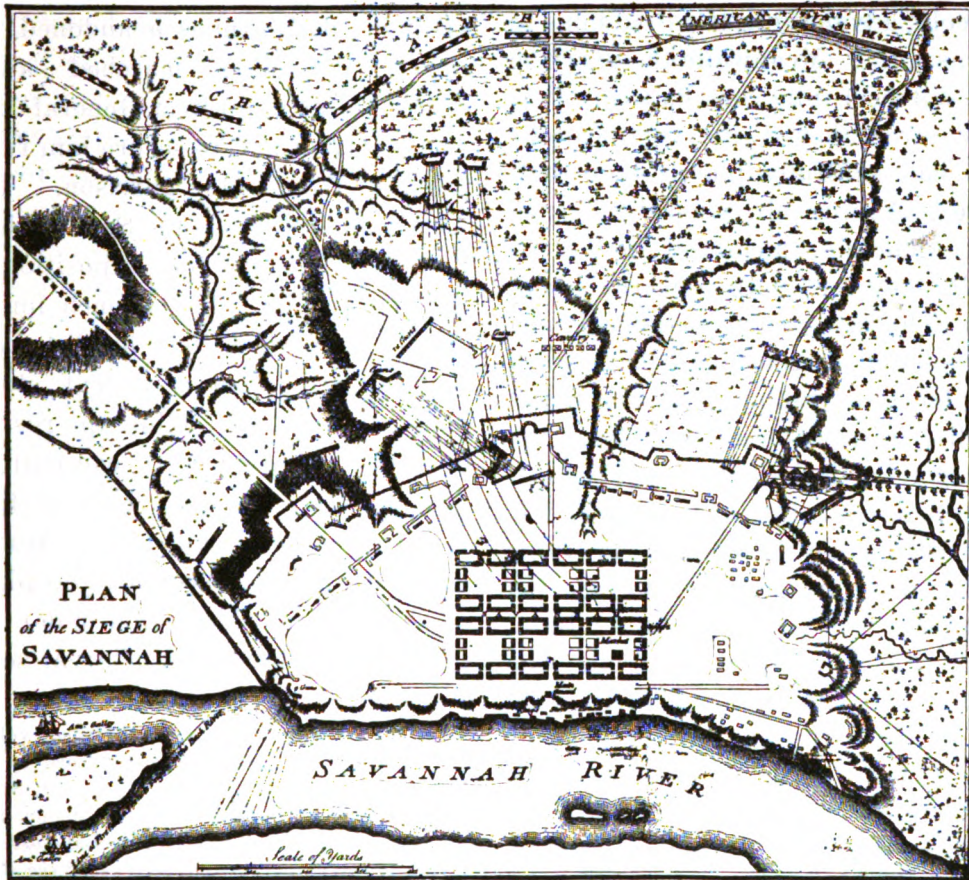
‡ Carrington, *Battles of the Revolution*, pp. 478-479; McCrady, *South Carolina in the Revolution*, pp. 403-407; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 529-530.

* Stedman, *American War*, vol. ii., pp. 121-123; Fisher, *Struggle for American Independence*, vol. ii., p. 257.

† Lossing, *Field-Book of the Revolution*, vol. ii., pp. 528-529.

1 the lines had been advanced to within 300 yards of the British works; for several days the various batteries, mounting 33 pieces of heavy cannon and 9 mortars, bombarded the fortifications, and a floating battery of 16 guns constantly played upon

to expel the British entirely from the province. During his absence in America, the French West Indies were exposed to danger from the British fleet; the worst season of the year was now setting in; a superior British fleet might at any time put in



them from the river, but little impression was made by this bombardment.*

The situation of the allied armies was now almost desperate, d'Estaing had already spent more time in the siege than he supposed it would take

an appearance; and in view of all these facts his officers remonstrated against longer remaining at Savannah. Had the besiegers continued their present tactics a few days longer, undoubtedly they would have captured the city, but d'Estaing felt that he could not spare this time, and

* McCrady, pp. 408-409.

consequently it became necessary either to abandon the siege or to storm the works. The besiegers determined upon the latter alternative. On the morning of October 9 a heavy bombardment was begun against the town, and 3,500 French and 950 Americans, led by d'Estaing and Lincoln, advanced in three columns to the assault.* Meanwhile the garrison had not been idle, but had considerably strengthened the fortifications and had skillfully placed their batteries. As a result, when the French and Americans advanced to the assault, they met with a warm reception. The batteries opened upon them with a well directed and destructive fire, but they resolutely advanced and finally succeeded in mounting the parapet. Both the French and Americans planted a standard on a redoubt, but when they attempted to force their way inside the works the slaughter was terrible.† In addition, while the opposition in front was great, their flanks were galled by the fire of the batteries. At the head of 200 troops Pulaski galloped between the batteries toward the town so as to take the garrison in the rear, but he was killed and his squadron dispersed. For nearly an hour the French and Americans stood the terrific fire from the British, but were

finally compelled to retreat. The French lost in killed and wounded about 640 men and the Americans 450, while the British loss was comparatively small.*

No hope of taking the town now remained, and on October 18 after d'Estaing had removed the heavy artillery, both armies abandoned the siege. d'Estaing marched away slowly, so as to protect General Lincoln's retreat and to secure him from pursuit from the garrison. The Americans recrossed the Savannah at Zubly's Ferry and took a position in South Carolina. The French immediately embarked, but hardly were they aboard when a violent storm dispersed the fleet. While the results of this expedition were exceedingly discouraging, yet the French fleet rendered material aid to the American cause by disconcerting the plans of the British. Even this under the present conditions was of great serv-

* Carrington, *Battles of the Revolution*, p. 480; McCrady, *South Carolina in the Revolution*, pp. 409-414.

† Among the killed was Sergeant Jasper, the hero of Moultrie—Horry and Weems, *Life of Marion*, pp. 75-79.

* *Georgia Historical Society Collections*, vol. v., pt. i.; Alfred T. Mahan, *The Influence of Sea Power upon History*, pp. 374-375; Fisher, *Struggle for American Independence*, vol. ii., pp. 257-260; Stevens, *Facsimiles*, no. 2010; Bancroft, vol. v., pp. 372-374; Carrington, *Battles of the Revolution*, pp. 481-482; Horry and Weems, *Life of Marion*, chap. viii. Estimates of the losses vary greatly. The above figures are from Moultrie's *Memoirs*, vol. ii., p. 41; Lossing (*Field-Book of the Revolution*, vol. ii., p. 522) gives practically the same figures—637 and 457. Lee (*Memoirs of the War*, p. 142) states the American loss to have been 240; Stedman (*American War*, vol. ii., p. 131) says 264; Ramsay (*Revolution in South Carolina*, vol. ii., p. 45) says 257; and McCrady (*South Carolina in the Revolution*, p. 417) says 250 Americans and 337 French.

ice to the American army. Nevertheless the Americans had anticipated such brilliant results from the co-operation of the French fleet that the failure of the expedition threw a deep gloom over the Southern provinces and it seemed as if the cause of independence were more desperate at the present time than at any former period of the war. General Lincoln asked for help and Congress took every step in its power to give the succor so imperatively needed, but the paper money had now become so depreciated that only the most ardent patriots would take it, and consequently it was almost impossible to furnish supplies and munitions of war to the army. On the other hand, the successes of the British had raised high the hopes of the Tories.

While the siege of Savannah was in progress, Colonel John White of the Georgia line executed an in-

genious enterprise of partisan warfare. Before the French fleet arrived, a British captain with 111 men had taken post near the Ogeeche River, about twenty-five miles from Savannah. At this place were also five British vessels, four of which were armed — the largest with 14 guns and the smallest with 4. Late on the night of September 30, White with six followers, including a servant, kindled a number of fires in different places, so as to give the appearance of a large encampment. He then went forward to the British encampment, with a supposed summons from the American commander to the British to surrender. Believing that a superior force was in the neighborhood, the British officer deemed it wise to submit without making any defence. By this ruse all were taken prisoners and conducted to the American post at Sunbury, twenty-five miles distant.*

CHAPTER XXVI.

1779-1780.

BRITISH DEPREDATIONS: STONY POINT: PAUL JONES.

Condition of American army — Clinton captures Stony Point and Fort Lafayette — Tryon's expedition into Connecticut — Wayne captures Stony Point — Stony Point abandoned by Americans — British attack on Penobscot — Major Henry Lee at Paulus Hook — Army goes into winter quarters — Life in camp — Stirling's attempt on Staten Island — Discontent among soldiers — Knyphausen's raid in Jersey — Lafayette arrives in Boston — Washington's letter to Congress regarding embarrassments — French fleet arrives at Newport — Washington confers with French at Hartford — Major Tallmadge's exploit on Long Island — Irruption of Major Carleton in northern New York — Battle between the *Bonhomme Richard* and the *Serapis*.

At this time the American army was in sore straits, for both clothing and food were deficient. During 1779 and 1780, crops had been poor; the labors of the farmers had been in-

terrupted by calls to military duties and the depredations of various detachments of the army. Further-

* Thacher, *Military Journal*, pp. 179-180.

more, those farmers who had succeeded in raising good crops were loathe to part with them for the continental paper money then in circulation, because of its great depreciation in value as compared with coin. Finally, however, the necessities of the army became so urgent that Washington called upon the magistrates of the adjacent counties for specified quantities of provisions, to be delivered to the army within a certain time. He also was compelled to send out detachments of troops to take provisions from the farmers and citizens by force, but at length this expedient failed, for there were no more supplies in the country adjacent to the quarters of the army. Beside this, the morals and discipline of the army were endangered and the affections of the people were much alienated by these impressments. Prior to this time the inhabitants had leaned toward the American cause, chiefly because of the fact that they had experienced much better treatment from the Americans than from the British. They had looked up to Washington as their protector, and to a great extent had willingly supplied him with the provisions he needed. But when Continental money began to depreciate so rapidly, the inhabitants lost their ardor for the cause and would not send supplies, unless reimbursed in coin. Washington was now confronted with the alternatives either of disbanding his troops or of supporting them by

force; he was between the two problems of supplying the army and at the same time protecting the property of the inhabitants; and to supply the one without offending the other seemed almost an impossibility. On the other hand, Washington experienced much difficulty in maintaining discipline among the soldiers and in restraining them when dispatched for provisions from plundering the houses of the inhabitants. To preserve order and subordination in an army like that under Washington, even if well fed, promptly paid, and properly clothed, would have been a task of no little difficulty; but when they were destitute not only of the comforts, but also of the necessities of life, the task became doubly difficult, and required capabilities which are rarely found in any one man. Nevertheless, Washington displayed the firmness and ability necessary in this crisis and not only retained the services of the greater part of the army, but also kept the good will of the major portion of the inhabitants.

In June, 1779, the army was cheered by the news that after much hesitation Spain had joined France in the war against Great Britain. In its attempt to settle the various questions arising in connection with this new alliance, Congress found great difficulty, for both France and Spain seemed bent upon obtaining concessions which the Americans were unwilling to give. Because of her assistance, the French minister at-

tempted to obtain for Spain the concession of the Floridas and exclusive right to navigate the Mississippi, while for France he sought the Newfoundland fisheries. The debates in Congress regarding these matters were long and often angry, for the terms offered by the French court were unreasonable and conflicted with the interests of the various States. That which one State or one section was willing to concede as being of no importance, the other considered vital. The South would not listen to anything but the free navigation of the Mississippi, while the New England States, particularly Massachusetts, refused to consider any terms which surrendered the right to the Newfoundland fisheries. Eventually, however, a compromise was reached by which Florida was given to Spain, but no decision was reached upon other matters. Upon one point all were decided — that the war should be maintained until independence had been established.*

Meanwhile, because of deficiency of provisions and equipment, Washington could not undertake anything of a decisive character. The army numbered only about 13,000 troops, while the British numbered between 16,000 and 17,000 and were strongly fortified in New York and Rhode Island.

* See Pitkin, *Political and Civil History of the United States*, vol. ii., pp. 73-87; Bancroft, vol. v., pp. 320-327; Fiske, *American Revolution*, vol. ii., pp. 131-135; Fisher, *Struggle for American Independence*, vol. ii., pp. 248 et seq., 262, and authorities cited.

Moreover, a British fleet supported the British army and gave them every means for concentrating their forces at a given point before the American army could march to meet them. This was particularly true with regard to the movements of the two armies in the Highlands of New York. At various times divisions of both armies were posted on each side of the Hudson; the British could cross directly over the river and unite their forces in any particular enterprise, while the Americans could not safely cross unless they made a wide circuit to avoid the British shipping.

Washington considered the preservation of West Point and its dependencies of the utmost importance, and to make their security certain he was compelled to refuse applications of neighboring States for troops to defend local points. He realized that if his force were subdivided into small detachments, the enemy could easily cut these detachments off and destroy his entire army, piece by piece. On June 1, 1779, Clinton advanced up the Hudson for the purpose of attacking the American works at Stony Point, on the west side of the river, and Verplanck's point opposite. The Americans had not yet completed the fortifications at West Point, and upon the British advance were compelled to abandon them. As a result, Fort Lafayette on Verplanck's Point became untenable, and after it had been completely invested by Clinton, the garrison surrendered

as prisoners of war. The British then made preparations for completing the fortifications on both sides and placing them in a strong state of defence.* Clinton thereupon returned to New York and prepared to send out predatory expeditions against the maritime towns of Connecticut, as had been done in Virginia.

In command of the ships of war and transports sent out with this expedition was Sir George Collyer, while the land forces, consisting of 2,600 troops, were under the command of Governor Tryon, assisted by General Garth. On July 4 these commanders issued an address to the inhabitants of Connecticut, inviting them to return to their allegiance to the mother country, and promising protection to person and property for all who should remain peaceably in their residences, but with the exception of the civil and military officers of the government; but those who failed to heed the warning were threatened with condign punishment. The English troops were immediately landed and the work of devastation began, so that the people had no time to consider the terms even had they wished

before a force was employed to compel their obedience.*

On July 5 the troops under Tryon were landed at East Haven, and those under Garth at West Haven. The troops under Garth then marched toward New Haven, where they arrived about noon after having been harassed on the way by the militia and the inhabitants who joined them. Immediately upon entering the town, the troops began to plunder the houses promiscuously; the Whigs and Tories suffered alike, all having their money, plate, jewelry, etc., and even much of their furniture carried off and wantonly destroyed. News of these outrages spread rapidly and the militia collected so quickly that the commanders deemed it wise to retreat. Furthermore, the British soldiers had become disorderly through liquor and were in a state of insubordination. The next morning the troops suddenly retreated without putting into effect the intended design of burning the town, though after they had secured their own safety they did burn some stores on the long wharf. At East Haven the troops under Tryon burned a number of houses and killed many of the cattle in the adjoining fields, but by the afternoon the militia had collected in such large numbers that Tryon retreated on board the transport and in the evening sailed for Fairfield.† On Wednesday afternoon the troops

* Bancroft, vol. v., p. 329; Stedman, *American War*, vol. ii., p. 140; Gordon, *American Revolution*, vol. iii., p. 261; Irving, *Life of Washington*, vol. ii., pp. 526-528; Ford's ed. of *Washington's Writings*, vol. vii., pp. 465-470, 479-480; the letters of St. Clair, McDougall and Malcolm in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 307-308; Lossing, *Field-Book of the Revolution*, vol. i., pp. 743-744; Kapp, *Life of Kalb*, pp. 170-171.

* Carrington, *Battles of the Revolution*, p. 469.

† Johnston, *Connecticut*, p. 308.

landed at the latter place, and Governor Tryon immediately sent an address to the militia, under command of Colonel Whiting, allowing an hour in which to answer, and threatening that if the town did not surrender it would be burned. Colonel Whiting answered: "The flames have now preceded their answer to your flag, and they will persist to oppose to the utmost, that power which is exerted against injured innocence." During the night of July 7 and 8 the British troops plundered the town and finally laid it in ashes, the devastation covering a tract of two miles square, reaching as far as Green-farms, though not to Greenfield. The British troops then retreated to their shipping and crossed the Sound to the shore of Long Island whence they later sailed to Norwalk which suffered a fate similar to that of Fairfield. At Norwalk 80 dwelling houses, 22 stores, 17 shops, 4 mills, 2 houses of public worship, 87 barns and 5 vessels were burned, as were 82 dwelling houses, 15 stores, 15 shops, 2 houses of public worship and 55 barns at Fairfield. At Green-farms 15 dwelling houses, several stores, 1 house of worship and 11 barns were burned. At New Haven the stores were destroyed and a number of houses at East Haven.*

* Gordon, *American Revolution*, vol. iii., pp. 265-268 (ed. 1788); Stedman, *American War*, vol. ii., p. 142; Johnston, *Connecticut*, pp. 308-309; *Connecticut State Records*, vol. ii., pp. 423-426; Bancroft, vol. v., pp. 329-330; Carrington, *Battles of the Revolution*, pp. 469-471; the letters

While the British were engaged in this work of devastation, Washington laid plans for the capture of Stony Point, determining to take it by assault. The conduct of the expedition was entrusted to "Mad Anthony" Wayne.* A detachment of 1,200 light infantry was placed under his command and, after marching fourteen miles, he reached the vicinity of the fort toward midnight July 16. He immediately began preparations for the assault and ordered that every man should advance silently with unloaded musket and fixed bayonet. He demanded strict obedience to his instructions, as it was absolutely necessary that silence be maintained to make the expedition a success. A soldier disobeyed the command and began to load his musket and though the order was repeated, he persisted in loading, whereupon he was immediately run through by an officer with his sword. Discipline and obedience to orders were indispensable to the success of the expedition, for had the British been warned, undoubtedly the result would have been far different.†

The right column was composed of 150 volunteers under Lieutenant-colonel Louis de Fleury, while the left column was composed of 100 volunteers under Major John Stuart (or

in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 314-316; Lossing, *Field-Book of the Revolution*, vol. i., pp. 422-427.

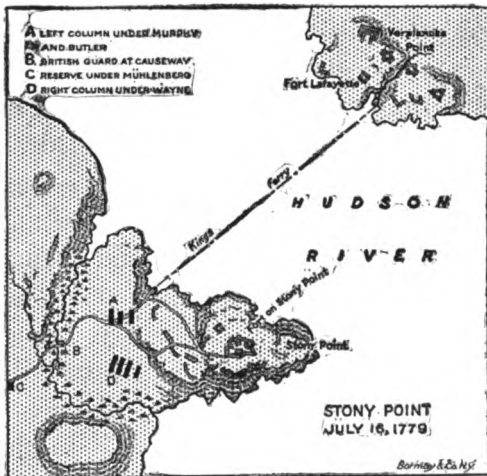
* For the manner in which this name was given him, see Stillé, *Wayne and the Pennsylvania Line*, p. 207 *et seq.*

† Heath's *Memoirs*, p. 193 (Abbatt's ed.).

Stewart); preceding each column was a forlorn hope of 20 picked men under command of Lieutenants James Gibbons and George Knox, these being sent forward to remove any obstructions that might be in the way.* Shortly after twelve o'clock the American troops advanced to the assault and, in the face of a tremendous and incessant musketry fire and grape-shot from the cannon, forced their way over the ramparts. Both columns met in the centre of the

missing, while 472 were captured (some say 543). Among the number captured were the commander of the fort, Colonel Henry Johnston, and several other officers; the stores captured were valued at \$158,640. Two flags and two standards were taken, the former belonging to the garrison, the latter to the seventeenth regiment. Out of the forlorn hope sent forward under Lieutenant Gibbon, 17 were killed or wounded.*

In his report of the assault General Wayne speaks very highly of the conduct of the officers and troops, especially mentioning Colonels Fleury and Butler and Major Stuart. In the action Lieutenant-colonel Hay was wounded in the thigh and General Wayne himself received a slight wound in the head but, with the support of his aides, continued the march with the troops and entered the fort at the same time. In his letter to Congress Washington speaks very highly of the conduct of officers and men and particularly mentions Lieutenants Gibbon and Knox, who commanded the forlorn hope, as having conducted themselves with conspic-



enemy's works at about the same time. Colonel Fleury was the first to enter the fort and with his own hand struck the British standard.† Major Thomas Posey was the first to give the watchword "The fort is ours." The American loss was 15 killed and 83 wounded; the British loss was 20 killed, 74 wounded, and 58

* Carrington, *Battles of the Revolution*, p. 473; Stillé, *Wayne and the Pennsylvania Line*, p. 190 et seq.

† Kapp, *Life of Kalb*, pp. 178-179.

* See H. P. Johnston, *The Storming of Stony Point* (1900); the account by Henry B. Dawson; Stillé, *Wayne and the Pennsylvania Line*, pp. 182-196, 208-210, 396-416; Carrington, *Battles of the Revolution*, p. 473; Jones, *New York in the Revolution*, vol. i., pp. 311-313; Lossing, *Field-Book of the Revolution*, vol. i., pp. 144-148; Gordon, *American Revolution*, vol. iii., p. 268 (ed. 1788); Stedman, *American War*, vol. ii., pp. 144-146; Ford's ed. of Washington's *Writings*, vol. vii., pp. 487-490, 492-500; Sparks' ed. of Washington's *Writings*, vol. vi., appendix, p. 537 et seq.



STORMING OF STONY POINT BY WAYNE.

uous bravery. With regard to General Wayne Washington said "that his conduct throughout the whole of this arduous enterprise, merits the warmest approbation of Congress; he improved on the plan recommended by me, and executed it in a manner that does signal honor to his judgment and to his bravery. In a critical moment of the assault he received a flesh wound in the head, with a musket ball, but continued leading on his men with unshaken firmness."* As a reward for their bravery, Congress presented a gold medal to General Wayne, and silver medals to Colonel Fleury and Major Stuart. Lieutenants Gibbon and Knox were brevetted captains, and in accordance with Washington's desires, Congress directed that the value of the military stores captured be distributed among the soldiers.†

Washington had planned to make an attack on Fort Lafayette at the same time, and directed that two brigades under General McDougall be held in readiness to make the assault as soon as information was received that General Wayne had been successful in his attack upon Stony Point. McDougall, however, did not advance in time, and the British garrison at Fort Lafayette had received sufficient warning to prepare them-

selves for resistance. Wayne turned the artillery of Stony Point upon the British ships which lay in the river and compelled them to drop down a considerable distance.* He fired also on Verplanck's Point, but owing to the great distance his shot had little effect upon the works. As McDougall had lost the critical moment of assaulting Fort Lafayette, the plan of operation against it was considerably changed. General Robert Howe was placed in command of McDougall's forces and was provided with cannon to make a breach in the fortifications; but before he was able to act, it was found expedient to retreat.†

When Clinton received word of the capture of Stony Point, he abandoned his design against New London and the other Connecticut towns, recalled his transports and troops, and sent a large body to the assistance of the garrison at Fort Lafayette. He himself soon followed with a larger force, in the hope that he might be able to draw Washington into a general battle for the possession of Stony Point. However, the failure of the expedition against Fort Lafayette made the possession of Stony Point of little importance, and after the Americans had destroyed the fortifications, the place was evacuated. The British thereupon took possession, re-

* Stille, *Wayne and the Pennsylvania Line*, p. 198.

† *Journals of Congress*, vol. v., pp. 226-227; Thacher, *Military Journal*, pp. 172-174; Lossing, *Field-Book of the Revolution*, vol. i., pp. 748-759; Stille, pp. 198 *et seq.*, 416-418.

* Lamb, *City of New York*, vol. ii., p. 225.

† Fisher, *Struggle for American Independence*, vol. ii., pp. 240-241; the letters in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 319-322, 325-328; Heath's *Memoirs*, pp. 194-196 (Abbatt's ed.).

built the fortifications and placed a strong garrison there.* After he found that Washington could not be drawn from his encampment, Clinton returned to New York.

Meanwhile, the British had conducted an expedition into Maine similar to that in Connecticut. In June, 1779, Colonel Francis Maclean, in command of a detachment from Halifax, determined to establish a post on the Penobscot, in the easternmost part of what was then Massachusetts. The Boston people immediately planned to repel the invaders and equipped a considerable fleet. General Lovell was placed in command of about 1,000 militia and sent to the scene of action, the American fleet arriving at Penobscot Bay July 25. Because of the opposition of some British war vessels and the rugged nature of the coast, three days were spent in effecting a landing. Thus Maclean had opportunity to perfect his fortifications. Lovell established a battery within 750 yards of the works and for several days maintained a brisk cannonade. Lovell only awaited the arrival of reinforcements to make an assault; but before these reinforcements arrived, he was informed, August 13, that General George Collyer with a large naval force had entered the bay. Lovell was therefore compelled to embark his troops and cannon and depart from the vicinity. The British at once pursued, and during the flight

the *Warren*, a 32 gun frigate, and 14 other smaller vessels were either blown up or taken. Confusion prevailed among the Americans and finally the troops were landed in an uncultivated part of the country and the transports burned. The troops were then compelled to find their way through miles of unbroken forests to a settled country and on the march large numbers perished. After this expedition, Collyer returned to New York, where he resigned command of the fleet, and was succeeded by Admiral Arbuthnot, who in the meantime had arrived from England with ships of war, reinforcements, supplies, etc.*

As an offset to this exploit, Major Henry Lee performed a most daring feat when he surprised the British post at Paulus Hook, in full view of the British garrison at New York. Washington favored the project,† and Lee energetically entered upon the enterprise. With 300 men, he set out on August 18 and during the night made the attack. He was completely successful and captured 160 prisoners, including several officers. Fearing an attack from the garrison at New York, Lee decided not to spend the time necessary to destroy the barracks and artillery, but retreated

* Thacher, *Military Journal*, p. 186 et seq.; *Collections of the Maine Historical Society*, vol. vii., pp. 121-126; Gordon, *American Revolution*, vol. iii., p. 305 (ed. 1788); Stedman, *American War*, vol. ii., pp. 147-151; Jones, *New York in the Revolution*, vol. i., pp. 296-299.

† Irving, *Life of Washington*, vol. iii., p. 345.

* Lamb, *City of New York*, vol. ii., p. 226.

while there was opportunity.* For this exploit, Congress awarded Lee a gold medal.

Washington had hoped that d'Estaing would render great assistance in a combined attack upon New York, but when the operations at the South proved abortive, all expectations of aid in the northern campaign were abandoned and toward the close of December Washington placed the army in winter quarters. These quarters were chosen for convenience of wood, water, and provisions and also to best protect the country. The army was divided into two divisions, the northern being placed under command of General Heath and stationed with a view to the security of West Point and the surrounding territory. The other division was encamped at Morristown, New Jersey.† In this

situation, which was well calculated to protect the country south of New York, Washington, with the principal division of the army, took his station for the winter.*

During the winter Washington was unable to undertake any important enterprise, but a number of small expeditions were sent out to harass and annoy the British. On January 14, 1780, Lord Stirling was placed in command of an expedition to attack

* Carrington, *Battles of the Revolution*, p. 475; Ford's ed. of *Washington's Writings*, vol. viii., pp. 27, 33-34; Lowell, *Hessians in the Revolution*, pp. 227-229.

† That the reader may get a glimpse of the every day routine of life at camp and an idea of the manner in which Washington lived, we quote a letter from Washington to Dr. John Cochran, surgeon-general and physician to the army, in which the grave and dignified commander-in-chief evinces that he could be playful even while the affairs of the whole country were pressing heavily upon his attention. The letter is dated, West Point, August 16, 1779. "Dear Doctor:—I have asked Mrs. Cochran and Mrs. Livingston to dine with me tomorrow, but am I not in honor bound to apprise them of their fare? As I hate deception, even where the imagination only is concerned, I will. It is needless to premise, that my table is large enough to hold the ladies. Of this they had ocular proof yesterday. To say how it is usually covered, is rather more essential, and this shall be the purport of my letter. Since our arrival at this happy spot, we have had a

ham, sometimes a shoulder of bacon, to grace the head of the table, a piece of roast beef adorns the foot, and a dish of beans, or greens, almost imperceptible, decorates the centre. When the cook has a mind to cut a figure, which I presume will be the case tomorrow, we have two beef-steak pies, or dishes of crabs, in addition, one on each side of the centre dish, dividing the space, and reducing the distance between dish and dish to about six feet, which, without them, would be nearly twelve feet apart. Of late he has had the surprising sagacity to discover, that apples will make pies, and it is a question, if, in the violence of his efforts, we do not get one of apples, instead of having both of beef-steaks. If the ladies can put up with such entertainment, and will submit to partake of it on plates once tin, but now iron, (not become so by labor of scouring,) I shall be happy to see them."—Sparks, *Life of Washington*, pp. 302-305; Irving, *Life of Washington*, vol. iii., p. 549.

* "The operations of the enemy, this campaign," said Washington, writing to Lafayette, in France, "have been confined to this establishment of works of defence, taking a post at King's Ferry, and burning the defenceless towns of New Haven, Fairfield, and Norwalk, on the Sound, within reach of their shipping, where little else was, or could be opposed to them, than the cries of distressed women and children; but these were offered in vain. Since these notable exploits, they have never stepped out of their works, or beyond their lines. How a conduct of this kind is to effect the conquest of America, the wisdom of a North, a Germaine, or a Sandwich, can best decide. It is too deep and refined for the comprehension of common understandings, and the general run of politicians."

the British post on Staten Island. The British received warning of the approach of the Americans, however, and a message was sent to the main British army at New York requesting aid. After a few minor skirmishes, the Americans, seeing no prospect of success, and fearing that the arrival of reinforcements from New York would prove their undoing, soon began to retreat. This was effected without any serious loss, but because of the severity of the weather and the fact that the soldiers were poorly clad, large numbers suffered severely from the cold and frost.*

Much discontent prevailed among the troops because the paper money was daily depreciating and because of continued privations. The officers of the Jersey line complained in strong terms to the Legislature of their State of the deplorable conditions to which they were reduced, saying that "unless a speedy and ample remedy was provided, the total dissolution of their line was inevitable." Only the influence of Washington prevented the officers from resigning in numbers and the troops from breaking out into mutinous and seditious conduct. The British had been apprized of the temperament of the soldiers, and

thinking it likely that large numbers could be led to desert, General Knyphausen, early in June, 1780, went from Staten Island to Elizabethtown, New Jersey with a body of 5,000 men. After committing several outrages in various parts of the country, Knyphausen stopped at Connecticut Farms, where, besides destroying the village, he barbarously murdered Mrs. James Caldwell, the wife of the Presbyterian minister of that place. This thoroughly aroused the inhabitants of the section, and the British soon found it expedient to retreat.* Greene was in command in the vicinity with Maxwell's and Stark's brigades, Lee's corps of light horse and the militia.† Several sharp skirmishes between Greene's force and the troops under Knyphausen ensued, particularly one at Springfield, and fearing that Greene might receive reinforcements from the main army, Knyphausen retreated to Staten Island.‡ The object of this expedition is not quite clear. It is not material whether it was intended to

* Bancroft, vol. v., p. 424; Thacher, *Military Journal*, p. 194; Lamb, *City of New York*, vol. ii., pp. 238-240.

† F. V. Greene, *Life of Greene*, pp. 139-140; Irving, *Life of Washington*, vol. iv., p. 64 *et seq.*

‡ Lowell, *Hessians in the Revolution*, pp. 257-260; Thacher, pp. 196-197; Carrington, *Battles of the Revolution*, pp. 499-502; Fisher, *Struggle for American Independence*, vol. ii., pp. 279-280; Stedman, *American War*, vol. ii., p. 240; Lossing, *Field-Book of the Revolution*, vol. i., p. 322 *et seq.*; Gordon, *American Revolution*, vol. iii., pp. 368-374 (ed. 1788). See also the letters in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 5-7; and in Sparks' ed. of *Washington's Writings*, vol. vii., p. 506 *et seq.*

* Jones, *New York in the Revolution*, vol. i., pp. 318, 320-323; Lamb, *City of New York*, vol. ii., p. 232; Stedman, *American War*, vol. ii., pp. 233, 239; Ford's ed. of *Washington's Writings*, vol. viii., pp. 155-166, 180-181, 183, 187, 213, 219; Irving, *Life of Washington*, vol. iv., p. 67; Gordon, *American Revolution*, vol. iii., p. 361 (ed. 1788).

divert Washington's attention while a stronger force made an attack on the Highlands, or whether the object was to fall upon the stores at Morristown. In either contingency, Washington was prepared and was constantly watching Clinton's movements. The first few months of the year were passed in these desultory operations, but Washington was deprived of the means of attempting anything beyond defensive measures, because both Congress and the States were so tardy in furnishing supplies, etc., the government was weak and inefficient, and money had depreciated to a remarkable extent.

Toward the end of April, Lafayette arrived at Boston from France, bringing news that the latter would shortly send large reinforcements in troops and great quantities of supplies.* For a time this served to arouse the Americans from the lethargy into which they had fallen. Requisitions

from the various States for men and money were urged with still greater earnestness; * Washington also was busily engaged writing to the public officials requesting that they put forth greater exertions to remedy the condition of affairs and urging upon them to act in concert with the allies when they arrived. The States, however, executed the resolutions of Congress very slowly and it was a long time before the requests began to bear fruit. Washington had seen that the predominance of State systems over the national system must in the end work injury to the cause, and in writing of the matter to Congress he said :

"Unless Congress speaks in a more decisive tone; unless they are vested with powers by the several states competent to the great purposes of the war, or assume them as matter of right, and they and the states respectively, act with more energy than hitherto they have done; our cause is lost. We can no longer drudge on in the old way. By ill-timing the adoption of measures; by delays in the execution of them, or by unwarrantable jealousies, we incur enormous expenses and derive no benefit. One state will comply with a requisition from Congress; another neglects to do it; a third executes it by halves; and all differ in the manner, the matter, or so much in point of time, that we are always working up hill; and while such a system as the present one, or rather want of one, prevails, we shall ever be unable to apply our strength or resources to any advantage. This, my dear sir, is plain language to a member of Congress; but it is the language of truth and friendship. It is the result of long thinking, close application, and strict observation. I see one head gradually changing into thirteen; I see one army branching into thirteen, and, instead of looking up to Congress, as the supreme controlling power of the United States, considering themselves as dependent on their respective states. In a word, I see the power of Congress declining too fast

* The enthusiasm and importunity of Lafayette in behalf of his adopted country were so great that the French prime minister, Count de Maurepas, said one day, rather sarcastically, in council: "It is fortunate for the king, that Lafayette does not take it into his head to strip Versailles of its furniture, to send to his dear Americans; as his majesty would be unable to refuse it." Not content with these public succors, he generously expended large sums of his private fortune, in providing swords and appointments for the corps placed under his command. Sparks, *Life of Washington*, p. 309, note. His instructions from the French court may be found in Sparks' ed. of *Washington's Writing*, vol. vii., p. 496. On his services in behalf of America at the French court see Tower, *Marquis de LaFayette*, vol. ii., chaps. xvii.-xviii. On the aid of France in general, see James B. Perkins, *France in the American Revolution* (1911).

* *Journals of Congress*, vol. vi., pp. 50-51.

for the consequence and respect which are due to them, as the great representative body of America, and am fearful of its consequences."

While the States themselves were slow in furnishing their quotas of troops and money, some relief was obtained from private sources. The citizens of Philadelphia, among whom were Robert Morris, Clymer and others, formed an association to procure a supply of necessary articles for the suffering soldiers. Within a few days \$300,000 were subscribed, and in this way relief was afforded to the army, though really not enough to greatly alleviate their sufferings. There was still a great deficiency, especially in articles of clothing, and Washington expressed his sorrow that the troops and officers would be compelled to meet the French forces in this destitute condition. The summer was now far advanced, and yet Washington was uncertain as to the number of troops upon which he could rely for active operations. He therefore wrote to Congress as follows:

"The season is come when we have every reason to expect the arrival of the fleet; and yet for want of this point of primary consequence, it is impossible for me to form a system of co-operation. I have no basis to act upon, and of course, were this generous succor of our ally now to arrive, I should find myself in the most awkward, embarrassing, and painful situation. The general and the admiral, as soon as they approach our coast, will require of me a plan of the measures to be pursued, and there ought of right to be one prepared; but circumstanced as I am, I cannot even give them conjectures. From these considerations, I yesterday suggested to the committee* the in-

* A Committee of Congress, General Schuyler being one of the members, spent some two or three months in camp at this date, to take measures for

dispensable necessity of their writing again to the states, urging them to give immediate and precise information of the measures they have taken, and of the result. The interest of the states, the honor and reputation of our councils, the justice and gratitude due to our allies; all require that I should, without delay, be enabled to ascertain and inform them, what we can or cannot undertake. There is a point which ought now to be determined, on the success of which all our future operations may depend; on which, for want of knowing our prospects, I can make no decision. For fear of involving the fleet and army of our allies in circumstances which would expose them, if not seconded by us, to material inconvenience and hazard, I shall be compelled to sustain it, and delay may be fatal to our hopes."

On July 10, 1780, the French fleet, consisting of six ships of the line and five frigates, entered Newport Harbor. The fleet was under the command of Charles Louis d'Arsac, Chevalier de Ternay, and the army under the command of Jean Baptiste Donatien de Vimeure, Comte de Rochambeau.* The entire force of French soldiers, about 6,000, was placed under Washington's supreme direction, and was to act as an auxiliary and to yield precedence to the Americans, thus eliminating the possibility of jealousy or dissatisfaction on the part of either. The disaster at Savannah had suggested the wisdom of this measure.† With the combined force Washington now desired to make an attack upon New

securing the aid and relief so urgently needed. Schuyler devoted much time to finding and forwarding provisions to the army and was often obliged to pledge his private credit in order to obtain the supplies. See Tuckerman, *Life of Schuyler*, p. 244.

* His instructions will be found in Sparks' ed. of Washington's *Writings*, vol. vii., p. 403.

† Marshall, *Life of Washington*, vol. iv., p. 257.

York, and accordingly a plan was drawn up and submitted by Lafayette to the French commander. The French troops were to join the American army early in August at Morrisania and undoubtedly would have done so had not the British naval force at New York been reinforced by a fleet under Admiral Graves. This deprived the French fleet of its superiority over the British, which was essential to the consummation of Washington's plan.* Because of their superiority, the British determined to attack the French at Newport, and, with 8,000 of his best men to coöperate with the fleet, Clinton embarked for Rhode Island. Fearing that Washington might attack New York during his absence, Clinton proceeded no further than Huntington Bay, Long Island, and then hastily returned to the city.† The fleet, however, succeeded in blockading the French vessels so that they were unable to aid the Americans. It was hoped that another fleet, then in the West Indies under command of Count de Guichen, would soon arrive and enable the French to un-

dertake the expedition originally planned for attacking New York. When the expectations of the Americans were at the highest pitch and when everything was in readiness to put the plans into execution, word was received that de Guichen had departed for France.* Nevertheless, Washington adhered to his purpose of attacking New York. He corresponded with the French commanders, and on September 21 conferred in person with them at Hartford.† But shortly afterward Admiral Sir George Rodney arrived with a fleet of 11 ships of the line, which compelled the allies to abandon all their plans for the season. With infinite regret, Washington beheld the succession of abortive projects throughout the campaign of 1780, for he had great expectations of being able to terminate the war this year with the active coöperation of the French. In a letter to a friend he writes as follows:

"We are now drawing to a close an inactive campaign, the beginning of which appeared pregnant with events of a very favorable complexion. I hoped, but I hoped in vain, that a prospect was opening, which would enable me to fix a period to my military pursuits, and restore me to domestic life. The favorable disposition of Spain; the promised succor from France; the combined force in the West Indies; the declaration of Russia (acceded to by other powers of Europe, humiliating to the naval pride and power of Great Britain), the superiority of France and Spain by sea, in Europe; the Irish claims, and English disturb-

* For details of the plan see Tower, *Marquis de LaFayette*, vol. ii., pp. 113-128; Fisher, *Struggle for American Independence*, vol. ii., pp. 285-291. See also Heath's and Rochambeau's letters in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 35-37.

† Carrington, *Battles of the Revolution*, p. 503; Ford's ed. of *Washington's Writings*, vol. viii., pp. 364-375; Heath's *Memoirs*, p. 227 et seq. (Abbatt's ed.); Lossing, *Field-Book of the Revolution*, vol. i., pp. 655-656; Tower, *Marquis de LaFayette*, vol. ii., p. 129-137.

* Fisher, *Struggle for American Independence*, vol. ii., p. 292.

† Sparks, *Life of Washington*, p. 312. On the correspondence and negotiations between Lafayette, Washington, and the French generals see Tower, *Marquis de LaFayette*, vol. ii., pp. 138-163.

ances; formed in the aggregate an opinion in my breast, which is not very susceptible of peaceful dreams, that the hour of deliverance was not far distant: for that, however unwilling Great Britain might be to yield the point, it would not be in her power to continue the contest. But, alas! these prospects, flattering as they were, have proved delusory; and I see nothing before us, but accumulating distress. We have been half of our time without provisions, and are likely to continue so. We have no magazines, nor money to form them. We have lived upon expedients, until we can live no longer. In a word, the history of the war is a history of false hopes and temporary devices, instead of system and economy. It is in vain, however, to look back; nor is it our business to do so. Our case is not desperate, if virtue exists in the people, and there is wisdom among our rulers. But, to suppose that this great revolution can be accomplished by a temporary army; that this army will be subsisted by state supplies; and that taxation alone is adequate to our wants, is, in my opinion, absurd.”*

During the remainder of the campaign but few operations were carried on, and those of no moment. On November 21, 1780, being informed that the British had a large magazine at Coram, Long Island, which was protected only by a small garrison at Fort George, on South Haven, Major Tallmadge crossed the sound with about 100 men, surprised the fort, and made the garrison of 50 troops prisoners and then burned the magazines at Coram. He recrossed the sound and returned to his starting point without losing a single man.† To offset this expedition, Major Carleton in the latter part of October

made a sudden irruption into the northern part of New York at the head of 1,000 Europeans, Indians and Loyalists and captured Forts Anne and George, making the garrisons prisoners. Sir John Johnson, too, at the head of a smaller body of troops, lay waste a large section of the Mohawk Valley. A number of skirmishes were fought, as a result of which Johnson was compelled to retreat.* Madison says: “The inroads of the enemy on the frontier of New York have been distressing and wasteful almost beyond their own example. They have totally laid in ashes a fine settlement called Schoharie, which was capable, General Washington says, of yielding no less than 80,000 bushels of grain for public consumption. Such a loss is inestimable, and is the more to be regretted because both local circumstances and the energy of that government left little doubt that it would have been applied to public use.”†

The winter was now approaching and both armies were placed in winter quarters. The French army remained at Newport, with the exception of the legion of Duke de Lauzun, which was stationed at Lebanon, in Connecticut.‡ Washington stationed the Pennsylvania line near Morris-

* See also Ford's ed. of Washington's *Writings*, vol. viii., pp. 383-400, 405-407, 410-412, 415, 417, 419, 421-423, 432-437, 468, 476-479, 505, vol. ix., pp. 13, 17, 45-48, 53-62, 73, 79-80, 110, 116, 137, 139-142, 165.

† Thacher, *Military Journal*, p. 237; Heath's *Memoirs*, p. 245 (Abbatt's ed.).

* See Governor Clinton's letter of October 30 to Washington, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 130-135; Lossing, *Field-Book of the Revolution*, vol. i., p. 279 et seq.; Roberts, *New York*, vol. ii., p. 430 et seq.

† Madison's *Works* (Congress ed.), vol. i., p. 37.

‡ Tower, *Marquis de LaFayette*, vol. ii., p. 176.

town; the Jersey line in the vicinity of Pompton; the New England troops on both sides of the Hudson in the vicinity of West Point; while the New York troops were ordered to remain at Albany, whither they had been sent to oppose the inroads of Carleton and Johnson.

Meanwhile the navy had been conducting itself quite creditably, considering its size. We have already spoken about the exploits of Paul Jones, and during the year of 1779 he made his name still more famous. Jones had obtained an old vessel in France, which he renamed the *Bonhomme Richard*.* She was pierced for 40 guns and manned by about 375 men. Jones formed a little squadron by adding three other vessels, the *Alliance*, 36 guns, the *Pallas*, 32 guns, and the *Vengeance*, 12 guns, Jones acting as commodore of the squadron. Toward the end of July, 1779, Jones set sail from l'Orient and steered for the western coast of Ireland. He swept the seas in all directions until, on September 19, he had come off the Firth of Forth, after which he directed his course to Flamborough Head, England.† On the 23d he fell in with a fleet of merchant-

men from the Baltic under the convoy of the *Serapis*, Captain Richard Pearson, and the *Countess of Scarborough*, Captain Piercy. Captain Pearson had received intelligence that Jones was in the vicinity, and when the headmost of the fleet sighted Jones' squadron, all the vessels crowded on sail to escape, while the *Serapis* made haste to place herself between Jones and the merchantmen. By four o'clock of the 23d Captain Pearson was able to make out that Jones' fleet consisted of three large ships and a brig. He ordered the *Countess of Scarborough* to join him as soon as possible, and a little after seven the battle commenced. For a long time the fight was vigorously maintained by both sides, each vessel using every means to gain an advantage. The *Serapis* was handled much more easily than the *Bonhomme Richard*, and Captain Pearson was able to obtain advantages in spite of every effort of Jones to prevent it. Not only was the *Serapis* superior in sailing qualities, but also in armament, carrying 44 guns in two tiers, the lower of which were 18 pounders. Jones determined to lay his ship athwart the hawse of the other, and though he did not entirely succeed in his object, yet as the bowsprit of the *Serapis* ran between his poop and mizzen-mast, the two vessels were lashed together. They were now so close that the muzzles of the guns of the one touched the sides of the opposite vessel and in this

* See Hale, *Franklin in France*, vol. i., p. 253 et seq.

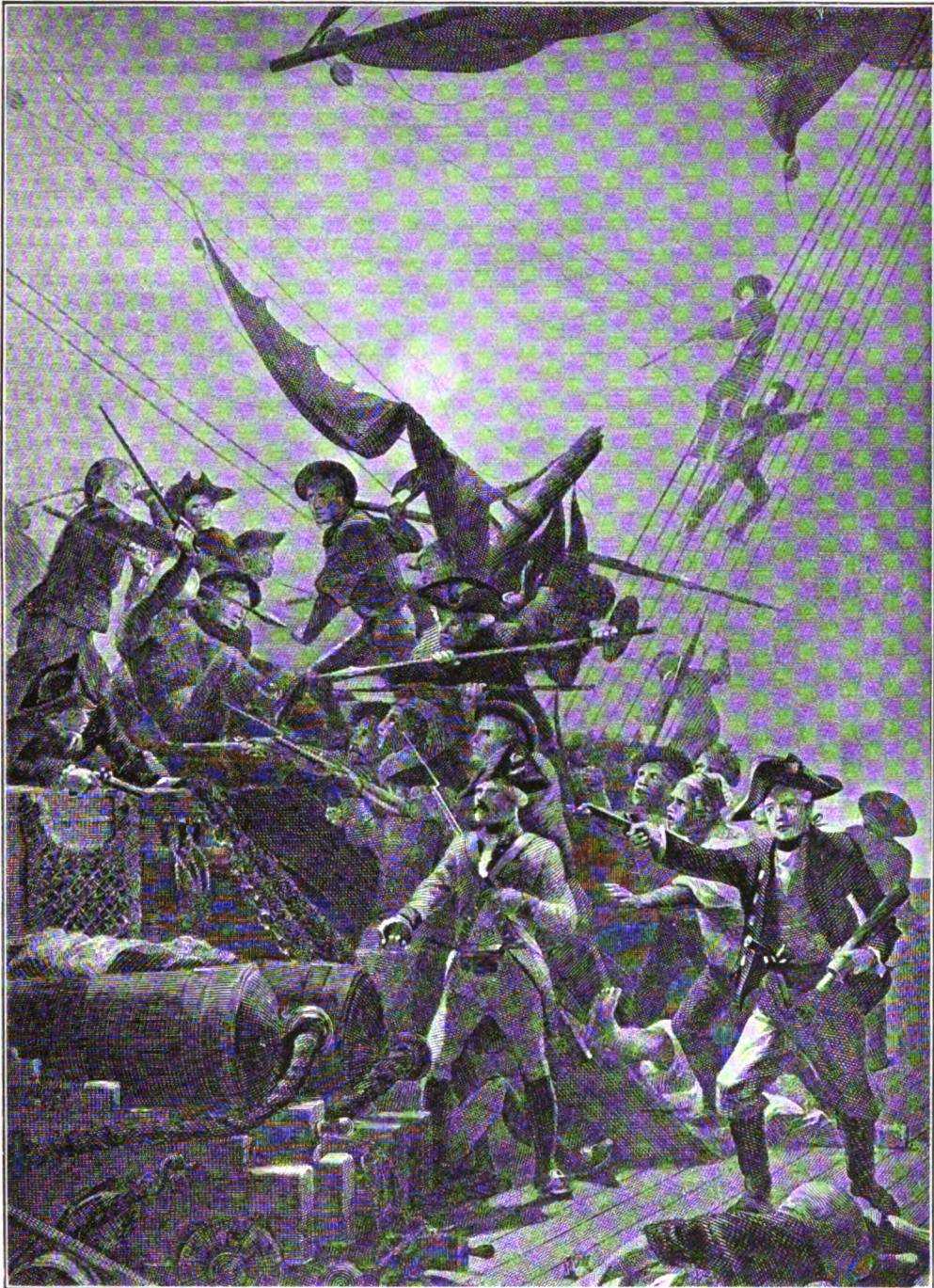
† Many writers state that Flamborough Head is on the coast of Scotland, but even a casual glance at the map of England will show that it is on the coast of England, just north of the 54th parallel of north latitude. Even Fisher, in his *Struggle for American Independence*, vol. ii., p. 253, a book published in 1908, makes this mistake. He evidently follows the old accounts.

position the fight was maintained for two hours—from 8:30 to 10:30. Before it commenced, however, the *Bonhomme Richard* had sprung a leak. Her tier of 12 pounders were rendered useless, while her six 18 pounders were practically of no service, they being fired but eight times altogether.

During the succeeding action Jones used only three 9 pounders, the fire from which was ably seconded by that of his men in the round tops; large quantities of combustibles were also thrown from places of vantage into the hold of the *Serapis*, so that during the action she was afire nearly a dozen times in different parts. About 9:30 a powder box aboard the *Serapis* was accidentally set afire, the flames communicating from one powder box to another all the way aft and blowing up all the gunners, sailors and officers abaft the mainmast. In addition, the guns were also rendered useless for the remainder of the action. At times both ships were afire together and the spectacle was dreadful. Meanwhile the *Alliance* sailed round and round both ships, raking the *Serapis* fore and aft and killing many of her men on the quarter and main decks. About 10 o'clock she again opened fire, but this time the *Serapis* and *Bonhomme Richard* were so close together that

the fire was not only poured into the former but also into the latter, 11 of whose men beside an officer were killed. Perceiving that it was impossible to continue the contest, Captain Pearson struck his flag; not, however, until he had secured to his convoy the opportunity of saving themselves. The loss of both sides in killed and wounded was heavy. The *Bonhomme Richard* was a complete wreck after the battle and had nearly seven feet of water in her hold. The minute it was ascertained that the pumps could make no headway the wounded were removed and only the first lieutenant of the *Pallas* with some men were left on board to work at the pumps. On September 25 the water rose up to the lower deck and she finally went down. The *Countess of Scarborough*, after a two hour fight, had also been compelled to surrender to the *Pallas*. With these prizes, Jones now made for Holland and on October 3 anchored off the Texel. It is estimated that the prizes taken by the *Bonhomme Richard* during her cruise were valued at more than £40,000.*

* For a more elaborate and carefully digested account of this renowned battle, see Cooper, *Naval History*, vol. i., pp. 98–114; Fiske, *American Revolution*, vol. ii., pp. 120–129; Stedman, *American War*, vol. ii., pp. 163–166; and lives of Jones by J. S. C. Abbott, Buell, J. P. Frothingham, Hutchins Hapgood, J. O. Kaler, A. S. McKenzie, Henri Marion, M. E. Seawell.



PAUL JONES CAPTURING THE *SERAPIS*.

CHAPTER XXVII.

1780.

CLINTON AND CORNWALLIS IN THE SOUTH: GATES DEFEATED AT CAMDEN:
KING'S MOUNTAIN.

Clinton embarks for the South — Charleston put in a state of defense — Governor Rutledge invested with dictatorial authority — The siege and the capture of Charleston — Expeditions planned by Clinton — Colonel Buford defeated by Tarleton at Waxhaws — Clinton's proclamation — Activity of the Americans — Tyranny of the British — Partisan warfare — Sumter and Marion — Gates placed in command of the southern army — Defeated at battle of Camden — Sumter defeated — Greene supersedes Gates — Cornwallis orders rebels to be punished — Injustice of the proceedings — Ferguson defeated at King's Mountain — Defeat of British detachment — Patriotism of the women.

As Count d'Estaing had departed with his fleet, Sir Henry Clinton made preparations to begin operations once again in the South. Toward the close of December, 1779, leaving General Knyphausen in command at New York, he embarked for Savannah with about 7,500 troops, a corps of cavalry and large quantities of military stores and provisions.* On the voyage a severe storm arose and the fleet was dispersed; one of the ships foundered, another was captured by the Americans, and, in addition, nearly all the horses perished.† On the last day of January, 1780, the fleet arrived at Tybee, Georgia. Clinton had hoped to attack Charleston before the inhabitants were aware of his purpose and had had time to properly defend it, but the necessity for repairing the ships on the coast of Georgia delayed

the expedition sufficiently to afford the Carolinians opportunity to provide against the threatened invasion. General Lincoln and Governor Rutledge used their utmost endeavors to place the city in a state of defence, but the regular troops were few and the militia were poorly equipped; beside which there was a small-pox epidemic in the city, because of which the militia were unwilling to serve.* Funds were also deficient and Congress failed to send suitable reinforcements,† so that it was almost impossible to fully provide against the British advance. Nevertheless, everything possible was done; several hundred negroes were set at work, under the direction of French engineers, to extend the fortifications, rendering them more formidable;‡ and had Lincoln received the

* Fortescue, *British Army*, vol. iii., p. 306; Car-
rington, *Battles of the Revolution*, pp. 493-494.

† Fisher, *Struggle for American Independence*,
vol. ii., p. 263.

* McCrady, *South Carolina in the Revolution*, p.
430.

† Lossing, *Field-Book of the Revolution*, vol. ii.,
p. 557.

‡ *Ibid*, vol. ii., p. 557.

promised reinforcements and had he not been compelled to defend the city with less than 3,000 troops, undoubtedly he would have been able to resist the British attack successfully.*

On February 11 Clinton landed about thirty miles south of Charleston,† and probably had he made an immediate advance upon the city he would have been able to reduce it with little trouble, but remembering his repulse in 1776, he determined upon slow and sure progress. He proceeded by way of St. John and St. James islands, sending part of the fleet to blockade the harbor. He also requested a reinforcement of 3,000 men from New York, directed General Prevost to join him with 1,100 men from Savannah,‡ and neglected nothing that would contribute to ultimate success. With all his reinforcements, Clinton had an army of about 13,000 men.||

In order to cope properly with the situation, Governor Rutledge had been invested with dictatorial authority and empowered to do everything necessary to make a proper defence, with the exception of taking away the life of a citizen, save by due

process of law.* This power was to continue in force until ten days after the next session of the Legislature began. Rutledge exerted himself in every way to meet the emergency, but was only partially successful.

While the Americans were thus preparing to defend Charleston, Clinton was constructing forts and magazines at the proper places, being particularly careful to secure communication between these forts and the sea.† In order to provide himself with cavalry, he dispatched Lieutenant-Colonel Banastre Tarleton into the neighboring country to secure horses. Partly by threat of confiscation and partly by the use of money, Tarleton obtained a considerable number of horses on Port Royal Island, on which the dragoons were mounted.‡ Thus, toward the latter end of March, 1780, preparations were far enough advanced to begin the siege of Charleston, for at the time only the Ashley River separated the British army from the city. On the night of April 1, Clinton began the construction of siege works about 1,000 yards from the American fortifications,|| which had been constructed under the direction of a French engineer named Laumoy.

* McCrady, *South Carolina in the Revolution*, pp. 427-429, 507-510; Winsor, *Narrative and Critical History*, vol. vi., p. 525.

† McCrady, p. 431; Lincoln's and Laurens' letters to Washington, in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 401-403, 413-415.

‡ Ramsay, *The Revolution*, vol. ii., p. 55; Gordon, *American Revolution*, vol. iii., p. 353.

|| Gordon, *American Revolution*, vol. iii., p. 357; Johnson, *Life of Greene*, vol. i., p. 274.

* Ramsay, vol. ii., p. 48.

† See Lincoln's letter in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 418-420.

‡ McCrady, *South Carolina in the Revolution*, p. 447.

|| McCrady, p. 455; Lincoln's and Laurens' letters of April 9 in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 433-436.

On April 7 General William Woodford arrived in the city, bringing reinforcements of 700 Continental troops,* so that the garrison amounted to 2,000 regulars and 1,000 North Carolina militia, in addition to the inhabitants of the city. Governor Rutledge had made strenuous efforts to raise the militia of the province, but had met with little success, not more than 200 repairing to the American standard.

On April 9 Admiral Arbuthnot took his fleet past Fort Moultrie and anchored just within reach of the guns at Charleston.† While passing, the fort maintained a heavy fire against the fleet, which did some damage to the ships themselves beside killing and wounding 29 men.‡ After Clinton had finished his first parallel, he established batteries at distances ranging from 600 to 1,100 yards from the American works, and then jointly with the admiral demanded that General Lincoln surrender the city. The latter replied as follows: "Sixty days have passed since it has been known that your intentions against this town were hostile, in which time has been afforded to abandon it; but duty and inclination point to the pro-

priety of supporting it to the last extremity.'"* The only means of communication between the city and the country were two regiments of cavalry under command of Colonel William Washington and General Isaac Huger, who were stationed at Monk's Corner. To surprise this detachment and to cut off absolutely all communication with the country, Clinton, on April 14, sent a body of troops under Lieutenant-colonel James Webster, accompanied by Patrick Ferguson and Tarleton. The British had captured a negro and compelled him to lead the troops by a roundabout way so as to surprise the Americans. In this manner the British had approached near to the American camp before their presence became known, and it was only after great difficulty and through the aid of darkness that Huger and Washington escaped. The British captured 400 horses, of which they stood in great need, together with considerable quantities of arms, clothing, stores, etc., and 100 officers and men.† The defeat of this detachment left the city entirely beleaguered, and the

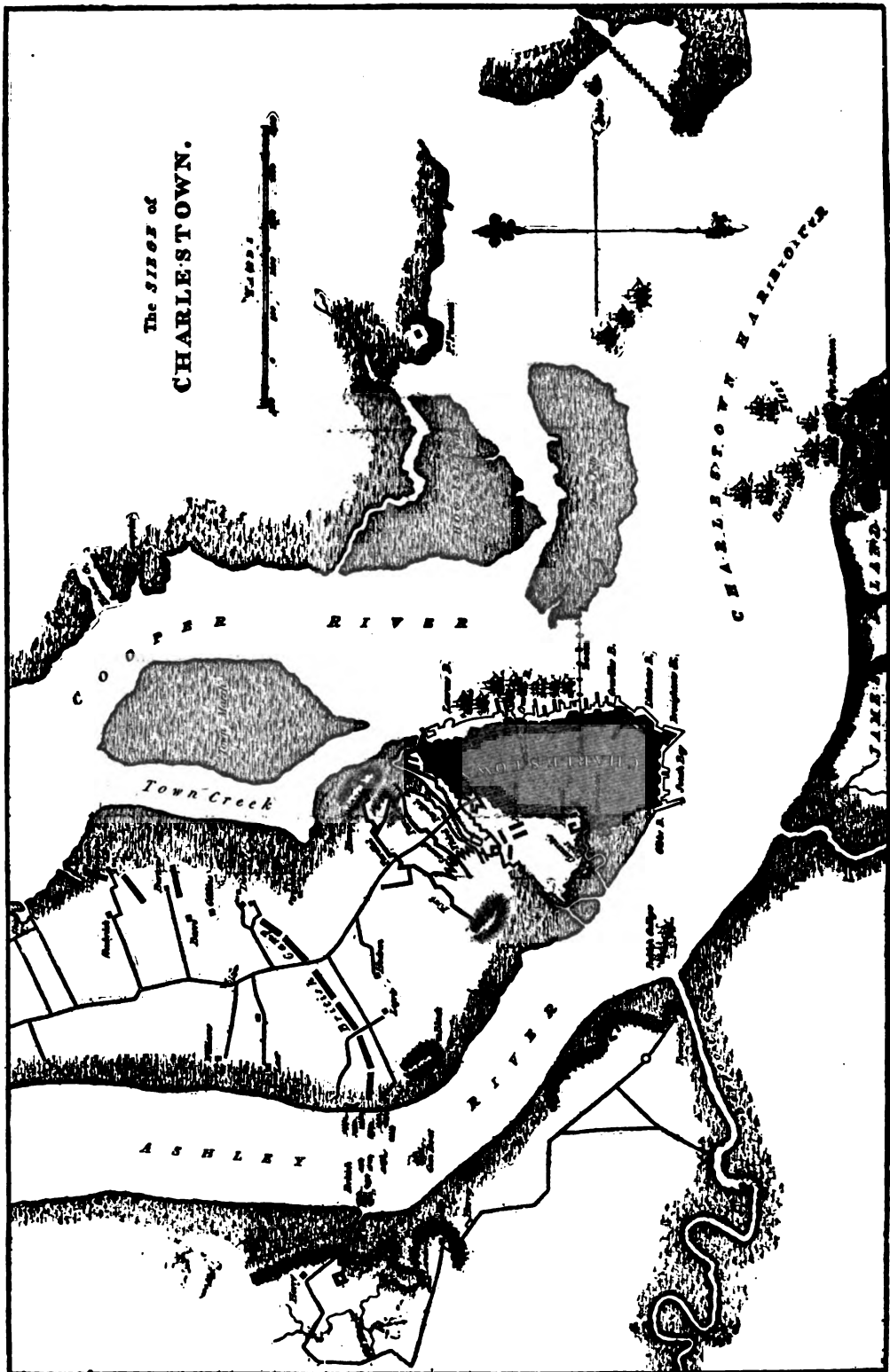
*Carrington, *Battles of the Revolution*, p. 495. See also Woodford's letter in Sparks, *Correspondence*, vol. ii., pp. 430-433; Lossing, *Field-Book of the Revolution*, vol. ii., p. 558.

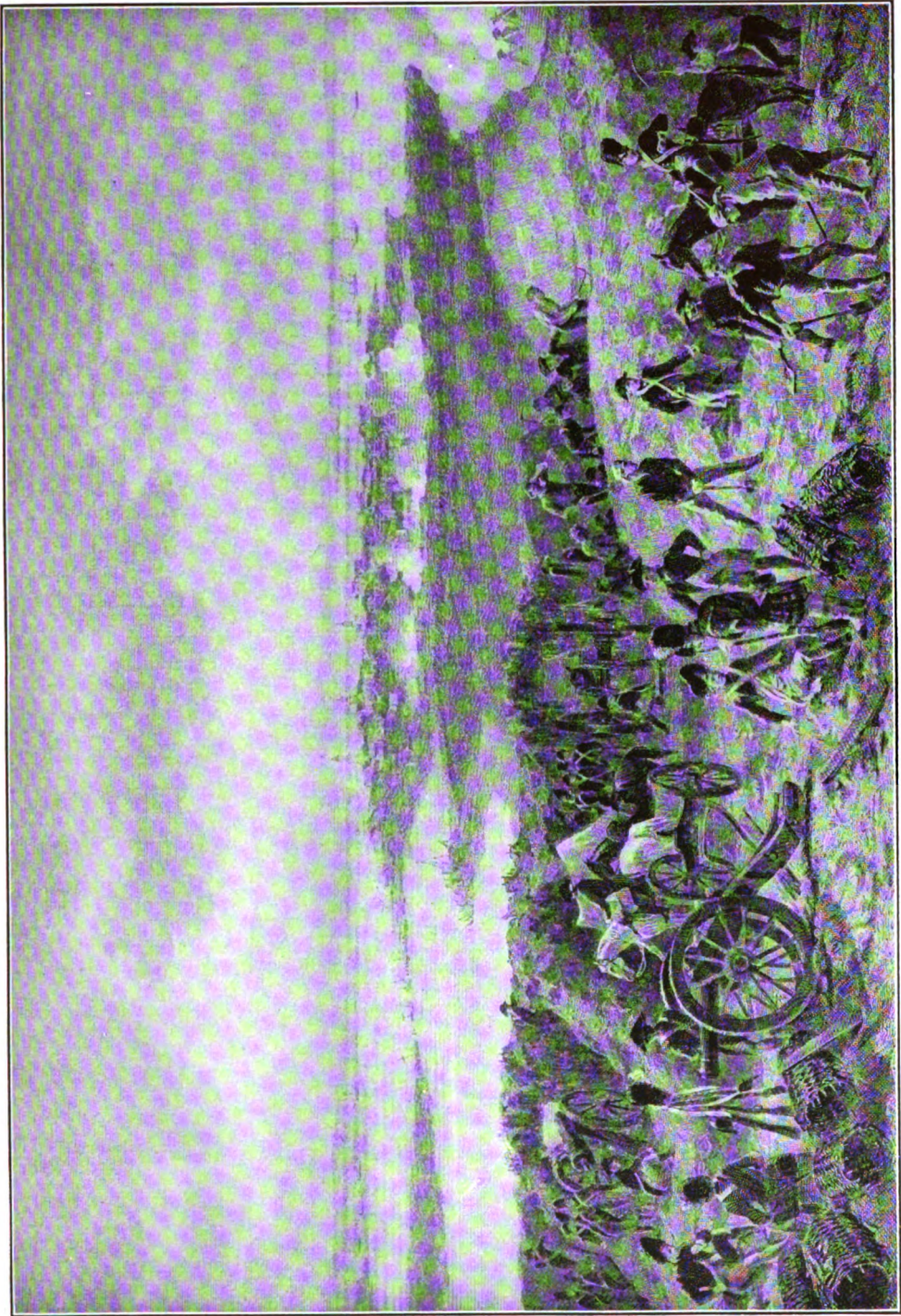
†Lossing, p. 558.

‡McCrary, *South Carolina in the Revolution*, pp. 459-461; Fisher, *Struggle for American Independence*, vol. ii., p. 266; Lowell, *Hessians in the Revolution*, p. 247.

*The complete text of Clinton's summons and Lincoln's answer is given in McCrary, p. 462. See also Ramsay, *The Revolution*, vol. ii., p. 399.

†Carrington, *Battles of the Revolution*, p. 496; Lossing, *Field-Book of the Revolution*, vol. ii., p. 559. Tarleton, in his *History of the Campaigns of 1780-81 in the Southern Provinces of North America*, p. 16, claims to have captured 400 horses, but Stedman (*American War*, vol. ii., p. 183) says they captured 42 wagons, 102 wagon horses and 83 dragoon horses.





THE SIEGE OF CHARLESTON.

British were now free to overrun the surrounding territory.

On April 21, considering an evacuation of the city next to impossible, Lincoln offered to capitulate on certain terms, which were rejected by Clinton.* On May 7 Clinton captured Fort Moultrie and the city was now completely invested.† All hope of assistance had long ago been abandoned. The city was in no condition to withstand a long siege, as the troops were insufficient to man the lines adequately, numbers of the guns were dismounted, ammunition was nearly exhausted, and bread and meat and other food supplies were almost entirely consumed. The siege works had also been pushed very near to the defences, and it was feared that an assault would be made at any moment. Under the circumstances, Lincoln did not feel that he should be entirely accountable for the city and he summoned a council of war, which recommended a capitulation. It was then proposed to Clinton that the town and garrison be surrendered with the condition that the militia and armed citizens should not be considered prisoners of war, but should be allowed to return to their homes and not be molested. These terms were refused and hos-

tilities were renewed.* As it was seen that the British were about to make an assault upon the city, the citizens demanded that Lincoln surrender rather than allow the city to be laid in ashes. Considering the case hopeless, Lincoln offered to surrender on the terms formerly proposed by Clinton† and this offer was accepted, the capitulation being signed May 12.

According to the terms, the town and fortifications, together with the shipping, artillery and all other public stores, were to be surrendered in their present condition; the entire garrison, together with all citizens who had borne arms, were to be prisoners of war; the garrison were to march out of the city and lay down their arms in front of the works, but their colors were not to be uncased nor could their drums beat a British march; the Continental troops and sailors were to be sent to some other place where they were to be maintained until exchanged; the militia were to be allowed to return to their homes on parole; the officers were to retain their side arms, baggage and servants, and permission was given them to sell their horses, provided they were not taken out of Charleston; so long as the militia and citi-

* The terms offered by Lincoln are given in full in McCrady, *South Carolina in the Revolution*, pp. 479-480; for the discussions in council regarding capitulation, see *ibid*, pp. 472-478.

† Bancroft, vol. v., p. 377; McCrady, pp. 482-493.

* McCrady, pp. 495-500, where the terms demanded by Lincoln are given in full. See also Moultrie's *Memoirs*, vol. ii., pp. 86-96; Ramsay, *The Revolution*, vol. ii., pp. 400-403.

† Moultrie's *Memoirs*, vol. ii., p. 97; Ramsay, *The Revolution*, vol. iii., p. 463. See also Dupontail's letter to Washington in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 450-453.

zens kept their parole, neither their persons nor property would in any way be molested; and General Lincoln was permitted to send a ship to Philadelphia with his dispatches. Thus, after a siege of more than a month, Charleston was in the hands of the British. It is estimated that more than 5,000 men under arms were captured, including seven general officers, ten continental regiments and three battalions of artillery.* In addition, 400 pieces of artillery of every description fell into the hands of the British,† together with large quantities of powder, cannon balls, etc.,‡ and a number of American frigates and two French vessels.

Clinton now proceeded to institute such civil and military measures as he considered necessary to re-establish order. Shortly after these measures had been adopted, he prepared to place the rest of the province under British authority. He accordingly planned three expeditions, one of which was to march toward the Savannah River, Georgia, another was to march against Ninety-six beyond the Saluda, and the third was to scour the country between the Cooper and Santee rivers. The first two were sent out with the principal ob-

ject of raising the Loyalists, while the last was to disperse a body of Americans under Colonel Abraham Buford, then marching as rapidly as possible toward North Carolina. All three expeditions were completely successful. The inhabitants flocked from all quarters to resume their allegiance to British authority and to offer their services in the British cause. Even a number of the citizens of Charleston, deceived by the proclamations of the British general, expressed a desire to join the British troops. Lord Cornwallis, after having swept the two banks of the Cooper and passed the Santee, secured possession of Georgetown. Tarleton offered to take command of the expedition to capture Colonel Buford. The latter had continued his rapid retreat and it seemed almost impossible that he could be overtaken, but having under his command a corps of cavalry with about 100 light infantry mounted on horses, Tarleton made such rapid progress that he arrived at Camden on May 28, but a day behind Buford. At Camden Tarleton learned that Buford had departed only the preceding day and that he was making an especial effort to join another body of troops on the march from North Carolina. Realizing his inability to cope with the combined forces, Tarleton determined to strike Buford before the conjunction of the two. Notwithstanding the fatigue of men and horses and in spite of the extreme heat, he redoubled his pace, and after

* Tarleton in his *Campaigns*, p. 43 says 6,000. See also the various estimates in McCrady, *South Carolina in the Revolution*, pp. 507-510; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 559-561.

† Carrington, *Battles of the Revolution*, p. 497.

‡ Moultrie's *Memoirs*, vol. ii., pp. 106-107.

a march of 105 miles in 54 hours came up with Buford at Waxhaws.* There Tarleton demanded that Buford surrender, but the latter answered that he was prepared to defend himself to the last extremity.† Buford thereupon drew up his forces in battle array, his troops consisting of 400 Virginia regulars with a small detachment of horse. While his troops were placed in a single line, the artillery and baggage were ordered to proceed to the rear without halting and with all possible despatch. The troops were directed to withhold their fire until the British cavalry had approached within twenty yards.‡ Tarleton immediately charged and after a slight resistance the Americans gave way. The British began a vigorous pursuit and the carnage was dreadful, many of those who threw down their arms and offered to surrender being murdered without mercy. Thus "Tarleton's quarter" became synonymous among the American forces with barbarous warfare. Tarleton reported the American loss as 113 killed, 150 wounded and 53 prisoners, and the British loss was 5 killed and 15 wounded.¶ The

British captured all the stores and artillery, and shortly afterward returned to Camden where Cornwallis highly praised Tarleton for his work.*

Meanwhile the inhabitants had expressed much devotion, either feigned or real, to the royal cause, and not content with themselves joining the victorious British army, many of the inhabitants dragged in a number of American prisoners. Clinton therefore supposed the whole country to be in a state of submission and instituted measures for setting up a complete civil administration for the State. On June 3 he issued a proclamation stating that all the inhabitants must take an active part in making secure the royal government and in delivering the country from the anarchy which had so long prevailed. He also discharged from their parole the militia who had been taken prisoners, with the exception of those who had been taken at Charleston and Fort Moultrie, restoring to those who were liberated all their rights and duties as citizens. He then declared that all who refused to return to their allegiance should be treated as enemies and rebels.† This proclamation was both unjust and impolitic, as it proceeded on the supposition that the people were subdued rebels, restored by an act of clemency to the privileges and duties of

* Tarleton's *Campaigns*, p. 32.

† See James, *Life of Marion*, pp. 39, 183.

‡ Tarleton's *Campaigns*, pp. 29-30.

¶ Carrington, *Battles of the Revolution*, pp. 497-498; McCrady, *South Carolina in the Revolution*, pp. 515-523; Lossing, *Field-Book of the Revolution*, vol. ii., p. 458. Lee (*Memoirs of the War*, p. 165) says that most of the American wounded died. See also Gordon, *American Revolution*, vol. iii., p. 360 (ed. 1788); Stedman, *American War*, vol. ii., p. 193.

* Ramsay, *The Revolution*, vol. ii., p. 111.

† Ramsay, *The Revolution*, vol. ii., p. 441; McCrady, *South Carolina in the Revolution*, p. 553 et seq.; Tarleton, *Campaigns*, p. 73.

citizens, while on the other hand, it ignored the fact that for several years past independent authority had been established, and that the determination as to whether they were traitors or rebels depended upon the final issue of the war and not on the issue of a single battle. Many of the colonists had submitted in the hope that they would be released under the protection of the British government and would be allowed to attend to their private affairs in a state of tranquillity. The proclamation, however, dissipated this delusion, for neutrality and peace were denied them; it being required, if they did not place themselves under the standards of their country, that they should serve as British subjects in the royal militia. As a result, much resentment was aroused against the British, and those whose affections the British desired to gain were instead alienated and practically driven into the patriot ranks. They preferred to take the chance of gaining liberty rather than to submit to the British and then to violate the allegiance and parole which Clinton had imposed upon them.

Supposing that he had now established perfect order in the South, Clinton left Lord Cornwallis with about 4,000 men in Georgia and South Carolina, and on June 5 embarked for New York.* As

he had learned that the French were about to send reinforcements to America, he deemed it wise to take the larger part of the army back with him to New York. For more than a month after his departure an unusual state of peace and quiet prevailed. Thinking that both South Carolina and Georgia were now completely reannexed to the British empire, Cornwallis determined to carry the war into North Carolina and to go through the same process in that State. He was delayed in carrying his purpose into immediate execution because of the great heat, the impossibility of subsisting his army in the field before the crops had been harvested, the want of magazines, etc. Nevertheless, he did not waste his time in idleness but distributed his troops throughout South Carolina and Georgia in such a manner as to favor the enlistment of all young men who could be prevailed upon to join the British army. He ordered companies of royal militia to be formed and maintained, and opened correspondence with such of the inhabitants of North Carolina as were friendly to the British cause. He informed them of the reasons for his delay in dispatching an expedition into their State and advised them to await the arrival of the British army before attempting an uprising against the Continental forces. Despite his admonitions the militia of North Carolina were too eager to show their zeal for the British cause

* McCrady, *South Carolina in the Revolution*, p. 561.

and several premature insurrections broke out which the State authorities vigorously suppressed. One party of Loyalists, however, numbering about 800 men, under command of Colonel Bryan, succeeded in marching down the Yadkin to the British post at Cheraws and subsequently reached Camden.

While Cornwallis was thus following out the plan of campaign as laid down by his superiors, the Americans were not idle. Governor Rutledge had continued actively at work, he alone keeping alive in his person a spark of the revolutionary power.* A large body of North Carolina militia was ordered to take the field and a detachment from the main army was directed by Congress to march to the South. Such was the effect of the American efforts that many of those who had previously adopted an apathetic attitude now determined to use their utmost endeavors to repel the invaders. A strong spirit of revenge was aroused by the haughty attitude and insolent tyranny of the British officers and Tory militia. The following picture of the internal condition of affairs at this date is drawn up by a well-known historian:

"With dispositions as fell and vindictive as all the sanguinary passions could render them, neighbor was reciprocally arrayed against neighbor, brother against brother, and even father against son. Neither in the darkness of the night, the enclosures of dwelling-houses, the depths of forests, nor the entanglements of the swamps and morasses of the country, was security to be

found. Places of secrecy and retreat, being known alike to both parties, afforded no asylum; but were oftentimes marked with the most shocking barbarities. The murderer in his ambush, and the warriors in their ambuscade, being thus in the daily perpetration of deeds of violence and blood, travelling became almost as dangerous as battle. Strangers, of whom nothing was known, and who appeared to be quietly pursuing their journey, were oftentimes shot down, or otherwise assassinated, in the public road. Whole districts of country resembled our frontier settlements during the prevalence of an Indian war. Even when engaged in their common concerns, the inhabitants wore arms, prepared alike for attack or defence. But this was not all. The period was marked with another source of slaughter, which added not a little to its fatal character. Participating in the murderous spirit of the times, slaves, that were in many places numerous and powerful, rose against their masters, armed with whatever weapon of destruction accident or secret preparation might supply. In these scenes of horror, the knife, the hatchet, and the poisoned cup were indiscriminately employed. Some whole families were strangled by their slaves, while, by the same hands, others were consumed amid the blaze of their dwellings in the dead of the night. These dispositions in the population generally, inflamed by the ardor, and urged by force, of southern passions, were sublimed to a pitch, to which the more temperate people of the north were strangers."*

In consequence of the turbulent conditions, partisan warfare came much into vogue. Among the first of many such partisan leaders to take the field was Colonel Thomas Sumter. Collecting a force that soon amounted to 600 men, Sumter, on July 12, 1780, routed a detachment of the royal army at Williamson's Plantation.† In the beginning these bodies of troops were very poorly equipped

* Caldwell, *Life and Campaigns of General Greene*, pp. 102-103.

† McCrady, *South Carolina in the Revolution*, pp. 592-600; Lossing, *Field-Book of the Revolution*, vol. ii., p. 453.

* McCrady, pp. 533-535.

and at times were compelled to use agricultural implements for weapons of war. Their resources were meagre and they trusted to chance for their means of subsistence. In some instances they have been known to charge an opposing force with about three rounds of ammunition apiece, but their success in their skirmishes with the British soon provided them with muskets and cartridges and eventually they became fairly well equipped. Sumter now determined to advance against some of the stronger British outposts, making his first attempt at Rocky Mount, where, however, he was obliged to retreat.* He then attacked the British post at Hanging Rock and annihilated a British regiment stationed there.† It was at this time that Andrew Jackson, then an orphan boy of 13, made his first appearance in history.‡

Another of these partisan warriors was Francis Marion, whose activity and ability in carrying on these campaigns was of great service in the American cause.¶ Both Marion (the

Swamp Fox) and Sumter (the Game-cock) were perfectly familiar with every part of the neighborhood and were able to dart in upon the British detachments and elude all pursuit by fleeing to the forests where they remained until ready to make another fell sweep upon some isolated post.* This method of fighting not only greatly weakened the British forces and disconcerted the plans of the British generals, but also emboldened the Americans and strengthened their belief in themselves and in the ultimate outcome of the contest. Beside Marion and Sumter, Baron De Kalb had been sent from Maryland to Carolina with a few regular troops, but because of the extreme heat and the difficulty of securing supplies progress toward the South had been slow.† On the way toward Carolina De Kalb was reinforced by a body of Virginia militia and the troops of North Carolina under General Richard Caswell. The three forces of Americans therefore kept Cornwallis extremely busy, and he soon found that he could not rest on past laurels but must set seriously to the work of attempting to subdue the country.

Meanwhile General Gates had assumed command of the southern army. Washington had desired that

* Lossing, *Field-Book of the Revolution*, vol. ii., pp. 453-454.

† Bancroft, vol. v., p. 383; Carrington, *Battles of the Revolution*, pp. 508-509; McCrady, *South Carolina in the Revolution*, pp. 621-631; Lossing, pp. 456-457.

‡ Fiske, *American Revolution*, vol. ii., p. 185.

¶ It is of Marion that the interesting story is told, of his being visited by a young English officer on official business, and his impressing upon the mind of the Englishman by what he saw, that men who could eat sweet potatoes and drink water, for the cause of liberty, were not to be conquered. Simms, *Life of General Marion*, pp. 176-180; Horry and Weems, *Life of Marion*, pp. 183-187.

* For an account of these partisan leaders see McCrady, *South Carolina in the Revolution*, chap. xxvi.

† Kapp, *Life of Kalb*, pp. 196-202; McCrady, *South American in the Revolution*, pp. 656-657; Fisher, *Struggle for American Independence*, vol. ii., p. 295.

General Greene be appointed to the supreme command, but the reputation of General Gates gained during Burgoyne's invasion completely overshadowed the work done by other officers, and on June 13 Congress appointed him commander-in-chief of the southern forces.* It was confidently expected that he would add greater fame to his already illustrious name, but unfortunately for himself, as well as for the country, his "northern laurels" turned to "southern willows." On July 25 Gates joined the army at Deep River and resolved to inaugurate a campaign for the destruction of the British army. Upon his arrival in the South, De Kalb had been willing to accept the suggestions of those well acquainted with the territory as to the best roads, the sections in which forage and provisions were most likely to be obtained, etc. He had, therefore, resolved to turn out of the direct road to Camden so as to conduct his little force through a more plentiful country and also to establish magazines and hospitals at advantageous points.† Gates, however, considered himself above the suggestions of the natives, and thinking his reputation would overshadow any shortcomings in military strategy, determined to push toward the Brit-

ish encampment by a straight road, although this road lay through a barren country which afforded only a scanty subsistence even to the inhabitants. This he did in spite of the remonstrances of the greater number of the subordinate officers.* On July 27 he set the army in motion and had not proceeded far before he began to experience the privations which De Kalb had been so desirous to avoid. What cattle were accidentally found in the woods were lean and thin, and even the supply of such animals was very limited.† Meal and grain were scarce, and the soldiers were finally compelled to use unripe corn and peaches instead of bread. This food, together with the intense heat and unhealthy climate, soon produced disease and threatened the health and final destruction of the entire army.‡ After more than two weeks of trial and hardships, Gates finally brought the army out of this inhospitable region, and arrived at Clermont, or Rugely's Mills, on the 13th of August. At this time the American army consisted of about 4,000 men.||

* Kapp, *Life of Kalb*, p. 207 et seq.; Carrington, *Battles of the Revolution*, p. 509; Horry and Weems, *Life of Marion*, p. 118. See also *A Narrative of the Campaign of 1780* by Colonel O. H. Williams, printed as an appendix to Johnston, *Sketches of the Life and Correspondence of Nathaniel Greene*, vol. iv., pp. 485-507, and in W. G. Simms, *Life of Greene*, pp. 359-383.

† Fiske, *American Revolution*, vol. ii., pp. 188-189.

‡ Horry and Weems, *Life of Marion*, pp. 118-120; Lossing, *Field-Book of the Revolution*, vol. ii., p. 464.

|| Kapp, *Life of Kalb*, pp. 211-220.

* Van Tyne, *American Revolution*, p. 300; Bancroft, vol. v., p. 384; Johnson, *General Washington*, pp. 241-242.

† Lossing, *Field-Book of the Revolution*, vol. ii., pp. 462-463.

When Gates reached the frontiers of the State, he issued a proclamation requesting the patriotic citizens "to join heartily in rescuing themselves and their country from the oppression of a government imposed upon them by the ruffian hand of conquest." He promised pardon to all those who had been compelled to take the oath of allegiance to the British, with the exception of those who had committed depredations upon the persons or property of American citizens.* This proclamation had a wonderful effect, for large numbers joined the American forces, and even whole companies of militia who had been taken into the British service deserted to the American army. When Francis, Lord Rawdon, commander of the British forces on the Carolina frontiers, learned of the American advance, he notified Cornwallis, who shortly afterward joined him at Camden.† Cornwallis now thought it necessary to retreat or to strike a decisive blow, for the whole country seemed to be rising, and Camden could not well be defended against an attacking force. On the other hand, a retreat to Charleston would be a signal for the States of South Carolina and Georgia to rise against British authority, and if such a retreat were made, the whole of

these two provinces, with the exception of Charleston and Savannah, must be abandoned.* The consequences of such a movement would be nearly as fatal as a defeat.

Cornwallis was informed that the American army amounted to 7,000 men, a number considerably in excess of its actual strength.† Nevertheless, he determined to risk battle, and during the night of August 15, at the very hour when Gates was proceeding from Rugely's Mills about 13 miles distant, began the march toward the American camp.‡ At about two o'clock on the morning of August 16,|| the advance posts of the two armies unexpectedly met in the woods and skirmishing immediately began. At the first discharge some of the American cavalry were wounded, whereupon the party fell back in disorder, broke the Maryland regiment at the head of the advancing column, and threw the whole army into confusion. From this condition the militia seems not to have recovered, judging from their actions during the ensuing battle. During the preliminary skirmishes a number of

* Kapp, *Life of Kalb*, pp. 224-225.

† Gates himself thought his army larger than it really was, for at this time, instead of having 7,000 men, he had only 3,052 fit for duty. But though he was informed of the true conditions, he determined to risk battle. See Kapp, *Life of Kalb*, p. 222 et seq.

‡ Lossing, *Field-Book of the Revolution*, vol. ii., pp. 464-465; Kapp, *Life of Kalb*, p. 226.

|| Kapp, p. 226. Some say 2:30 A. M. (Tarleton, *Campaigns*, p. 131), others midnight (Johnson, *Life of Greene*, Appendix, p. 494).

* Carrington, p. 510; Ramsay, *Revolution of South Carolina*, vol. ii., pp. 145, 449-451; Tarleton, *Campaigns*, p. 98.

† McCrady, *South Carolina in the Revolution*, pp. 665-666; Fisher, *Struggle for American Independence*, vol. ii., pp. 296-297.



BATTLE OF CAMDEN. DEATH OF GENERAL DE KALB.

prisoners were taken by each army, from whom the generals obtained more definite information regarding the forces opposing them.* From this information Cornwallis perceived that the advantage was on his side and that undoubtedly his disciplined troops would quickly rout the raw and unseasoned militia under Gates. Cornwallis divided his army into two columns, placing the right under command of Colonel Webster and the left under Lord Rawdon. The right of the American army consisted of the second Maryland brigade and the Delaware troops under General Mordecai Gist, and under the supreme command of De Kalb; the center was held by the North Carolina militia under Richard Caswell; while the left was composed of the Virginia militia together with the light infantry under Edward Stevens. The first Maryland brigade under Smallwood, was formed in reserve. Gates took no particular position but stationed himself where he could be most useful.†

At dawn the British right wing under Webster was ordered to begin the attack on the American left. The opposing volunteer militia poured a desultory musketry fire against the British columns, but the firing soon ceased when the British soldiers with a shout charged the American line.

* Carrington, *Battles of the Revolution*, pp. 513-515.

† Lossing, *Field-Book of the Revolution*, vol. ii., p. 466; Kapp, *Life of Kalb*, pp. 229-230.

The militia immediately threw down their arms and fled, many of them without even having discharged their muskets. The efforts of the officers to restrain the flight were unavailing.* The North Carolina militia in the centre imitated the example of the Virginia troops,† so that hardly a shot was sent against the British by either division. Few of the Americans in their precipitate flight carried off their arms. The British set out in pursuit and eagerly cut down the fugitives. Gates, with the general officers of the militia, made several attempts to turn this headlong flight, but in vain, and the farther the fugitives fled the more dispersed they became. Seeing that the fortune of the day was against the Americans, Gates also fled, as the commonest coward in the army, not stopping until he reached Charlotteville, over sixty miles from the field of battle.‡ “It was common talk in those days that he killed three horses in his flight.”||

Meanwhile Baron De Kalb, abandoned by the militia and forsaken by the supreme commander, was compelled to bear the whole brunt of the British attack. Nevertheless, the

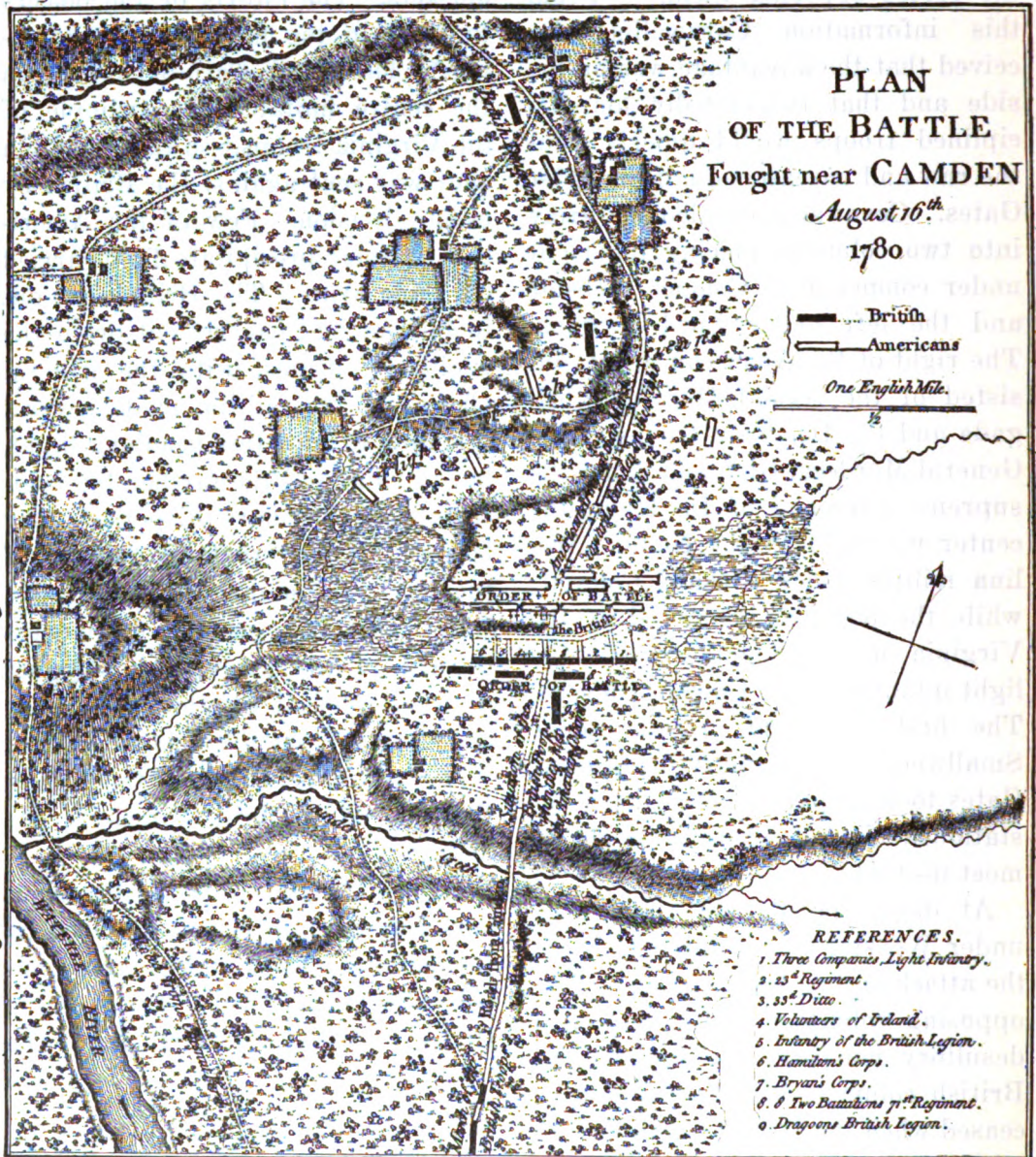
* Kapp, *Life of Kalb*, pp. 231-232.

† McCrady, *South Carolina in the Revolution*, p. 677.

‡ Carrington, *Battles of the Revolution*, pp. 516-517; McCrady, *South Carolina in the Revolution*, pp. 678-680; David Schenck, *North Carolina in 1780-1781*, pp. 95-96; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 466-467.

|| Horry and Weems, *Life of Marion*, p. 124.

Continental troops stood their ground and defended themselves with great bravery. At the same time Webster time the outcome of the battle was doubtful. The reserve covered the left of De Kalb's division, but the



broke the left wing, Lord Rawdon attacked the right wing. De Kalb, however, unlike Gates, made an obstinate resistance and for some flight of the militia had completely exposed the right. Consequently, after dispatching a body of cavalry in pursuit of the retreating fugitives,

Webster turned his attention to the Continental troops under De Kalb, attacking them in front and flank. A severe contest ensued, the Americans fighting desperately to beat off the British attack; but finally Cornwallis hurled his whole force against De Kalb and the line gave way and began to retreat in some confusion. To save as many of his army as possible, De Kalb endeavored to cover the retreat by making a desperate charge at the head of a body of cavalry. The effort resulted in some benefit to the army as a whole, but this benefit was gained at the expense of De Kalb's life, who fell pierced with eleven wounds. His aide endeavored to shield the general, and in explaining to the attacking force De Kalb's rank and nationality, was severely wounded and taken prisoner with him. The British treated De Kalb with every kindness and attention, but medical assistance was of little avail, he expiring within a few hours.* In recognition of his services, Congress afterward ordered the erection of a monument to his memory.

The American loss amounted to 800 or 900 killed and wounded and about 1,200 prisoners, while the British loss was less than 100 killed and 250 wounded. In addition, all the baggage and artillery of the American army fell into the hands of the British.*

The rout of the American army was complete, and the only force which was not dispersed was that under Sumter. The latter had overtaken a convoy on the Wateree and had made 200 prisoners, but when he heard of the disaster at Camden, he retreated with all possible speed. After retreating for many miles, he supposed that he was out of the danger zone and halted to rest his troops who were worn out with constant marching and loss of sleep. Hardly had he halted, when Tarleton pressed in upon him and so completely surprised the American detachment that he recovered the stores and prisoners and killed or captured between 300 and 400 of the Americans. Sumter, however, was well acquainted with the by-paths of the woods in the vicinity and was able to make his escape.†

After the retreat Gates gathered

* Horry and Weems, *Life of Marion*, pp. 124-126; Kapp, *Life of Kalb*, p. 232 et seq.; Smith, *Memoir of Baron De Kalb*; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 467-468; Hildreth, vol. iii., pp. 314-315; Fortesque, *British Army*, vol. iii., pp. 316-319; Bancroft, vol. v., pp. 384-389; Thacher, *Military Journal*, pp. 205-206; Fiske, *American Revolution*, vol. ii., pp. 190-193; Tarleton, *Campaigns*, pp. 104-109, 131-135; Gordon, *American Revolution*, vol. iii., pp. 391, 429-447; Stedman, *American War*, pp. 204-211; Greene, *Life of Greene*, vol. iii., pp. 15-31; Wheeler, *History of North Carolina*, vol. ii., p. 154.

* Carrington, *Battles of the Revolution*, p. 518; Tarleton's *Campaigns*, p. 133.

† McCrady, *South Carolina in the Revolution*, pp. 667-668, 681-683; Tarleton's *Campaigns*, pp. 112-116, 134, 148 et seq.; Lee, *Memoirs of the War*, pp. 187-189; Ramsay, *Revolution*, vol. ii., p. 153; Wheeler, *History of North Carolina*, p. 195; Gordon, *American Revolution*, vol. iii., p. 447 (ed. 1788); Lossing, *Field-Book of the Revolution*, vol. ii., p. 454.

together the scattered remnants of the army and finally made his way to Hillsborough, where he exerted every effort to recover from the terrible blow which had befallen him.* In November he advanced toward Salisbury, and soon after, to Charlotte. But in the meantime, on October 5, Congress had instituted an inquiry into his conduct of the campaign, and though this investigation was not pressed, Gates did not continue in command of the army much longer. Washington was requested to propose the name of Gates' successor, and he named General Greene, whose nomination was approved by Congress on October 30.† Greene reached the headquarters of the army in the South on December 2. Gates thereupon left the army, never again to resume active service. He undoubtedly suffered keenly from the disgrace of defeat, and his fall was all the more humiliating because of the excellent reputation he had previously gained in the North. Shortly after leaving the army, his son died and he set out for the North, where he soon sank into oblivion and was forgotten by the majority of Americans.

Fortunately for the Americans, Cornwallis did not follow up the victory with his usual activity, for his

army had been considerably reduced by sickness and by the sword. Nor had he brought with him sufficient supplies to maintain the army while conducting a pursuit, and he did not deem it expedient to leave South Carolina until he had completely extinguished every manifestation of resistance to British authority. In order to accomplish the subjugation of the State in the most thorough manner, he resorted to several harsh measures. He considered the State as a conquered province which was reduced to unconditional surrender and to allegiance to its former sovereign. According to his theory, the citizens were still British subjects, liable to all their privileges, duties and penalties in case of an infraction of the law. He seemed to forget that many of the citizens were prisoners of war on parole, that without their consent they had been discharged from their parole, and that it was only by proclamation that they had been declared British subjects. Supposing that the whole province was now prostrate at his feet, Cornwallis sent the following message to the British commander at Ninety Six, and similar messages to the commanders of other posts:

"I have given orders that all the inhabitants of this province who have subscribed, and have taken part in the revolt should be punished with the utmost rigour; and also those who will not turn out that they may be imprisoned, and their whole property taken from them or destroyed. I have likewise ordered that compensation should be made out of their estates to the persons who have been injured or oppressed by them. I have or-

* See his letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 66-67.

† F. V. Greene, *Life of Greene*, pp. 160, 166 et seq.; Sparks' ed. of *Washington's Writings*, vol. vii., pp. 187, 257; Gordon, *American Revolution*, vol. iii., p. 469 (ed. 1788).

dered in the most positive manner that every militiaman who has borne arms with us and afterwards joined the enemy shall be immediately hanged. I desire you will take the most rigorous measures to punish the rebels in the district in which you command, and that you obey in the strictest manner the directions I have given in this letter relative to the inhabitants of this country."*

The officers and soldiers to whom the execution of these orders was committed possessed little humanity and little prudence, and the consequences were calamitous. The orders were executed exactly in the spirit in which they were given; numbers of people were put to death, many others were imprisoned and thousands of dollars worth of property destroyed or confiscated.† As a result of these operations, the people were thoroughly aroused and longed for revenge. Cornwallis' conduct toward the principal citizens of Charleston was extremely disgraceful. Without cause or excuse, they were seized during the night, placed on board a guard ship, and soon after sent to St. Augustine, despite their earnest remonstrances that such action was contrary to all the rules of war and entirely unnecessary in the present circumstances.‡

Cornwallis left Camden September 8, and arrived at Charleston, North

Carolina, toward the end of the month taking possession of the latter place after a slight resistance on the part of some volunteer cavalry under command of Colonel William R. Davie.* He then advanced toward Salisbury and ordered the militia to cross the Yadkin, but his victorious career was suddenly arrested by an unexpected disaster. Cornwallis had endeavored to form a British militia out of the well-affected inhabitants of the country, and for this purpose had dispatched Major Patrick Ferguson of the Seventy-first regiment with a small detachment toward Ninety-Six. Ferguson was to train the Loyalists who joined the British army and to induce others to join. Cornwallis expected much from Ferguson's operations, for he was well known as an officer of much merit and as one who executed his assignments with zeal and energy. The first part of the program was carried out with complete success; Ferguson collected a large number of Loyalists and had created great havoc among the backwoods settlements, which were as a rule friendly to the American cause. At this time Colonel Elijah Clarke was retreating from the vicinity of Augusta, Ga.,† and,

* See Bancroft, vol. v., pp. 391-392; Ramsay, *Revolution*, p. 157; Stedman, *American War*, vol. ii., p. 214.

† Ramsay, *Revolution of South Carolina*, vol. ii., p. 158.

‡ McCrady, *South Carolina in the Revolution*, p. 714 *et seq.* See also the letters of Nash and Rutledge, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 179-181, 187-189.

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 418 *et seq.*

† For details of which see McCrady, p. 734 *et seq.* See also McCall, *History of Georgia*, vol. ii., pp. 322-327, and Tarleton, *Campaigns*, p. 192, for some of the atrocities committed by the English.

thinking that he might cut off and destroy this detachment, Ferguson determined to stay in the vicinity of the western mountains longer than he would have tarried under other circumstances. This delay was his undoing; the mountaineers of the Wateree and Holston settlements had learned of Ferguson's approach and his work of devastation and determined upon reprisal. From all parts they came together under various leaders, including Isaac Shelby and John Sevier, and set out in quest of the enemy. They were all mounted, and as each man had only a blanket, knapsack and rifle, there was no encumbrance such as baggage to hinder their march. Consequently, they were able to hunt down the British detachment by the same methods they would have used in hunting the wild beasts of the forest or the savages of the border.* Their numbers rendered them formidable, and so rapid was their march that Ferguson would probably have been unable to escape even if he had received warning of their intentions. Early in October the mountaineers reached Gilberttown—their forces numbering nearly 3,000 men.†

Ferguson had heard of the ap-

proach of this force and attempted to escape, but the mountaineers, selecting about 1,400 of their best riflemen, set out in pursuit on their swiftest horses and finally compelled Ferguson to halt. Sensible that he would ultimately be overtaken, Ferguson deemed it best to select his battle ground with the greatest possible care before the American force could come up. He therefore chose King's Mountain on the border line between North and South Carolina as the place where he should make his stand, challenging "all the rebels outside of hell" to dislodge him,* and declaring that "God Almighty could not drive him from it."† The American forces arrived on the scene of action October 7. By this time, owing to the rapidity of the pursuit, the Americans had dwindled to a little over 900 men; in nominal command was Colonel William Campbell, but there was little subordination or order in the attack, each man being instructed to shift for himself and to fight as only the frontiersmen knew how. Upon arriving at King's Mountain, the American troops were divided so as to attack Ferguson from several different quarters, separate divisions being led by Benjamin Cleveland, James Williams, Charles McDowell, Shelby and Sevier. Before the attack was begun, Cleveland addressed

* Draper, *King's Mountain and Its Heroes*, pp. 174-175, 530, 563-564.

† For the details of the organization of this force see McCrady, *South Carolina in the Revolution*, pp. 755-764 and authorities cited; Roosevelt, *Winning of the West*, vol. ii., chap. ix., pp. 241-294; Fisher, *Struggle for American Independence*, vol. ii., p. 343 et seq.

* Van Tyne, *American Revolution*, p. 302; Fiske, *American Revolution*, vol. ii., p. 246.

† McCrady, *South Carolina in the Revolution*, p. 782.

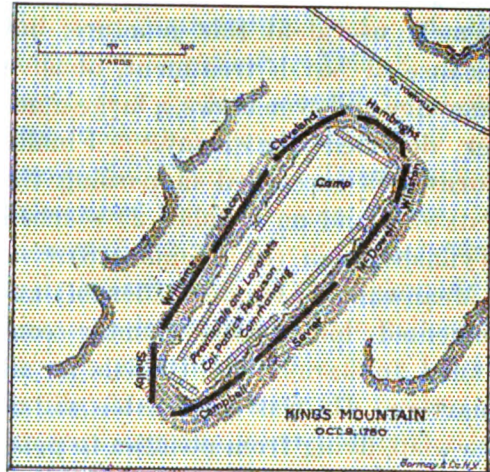


THE BATTLE OF KING'S MOUNTAIN.

the men as follows: "My brave fellows, we have beat the Tories and we can beat them. * * * When engaged you are not to wait for the word of command from me. I will show you by my example how to fight; I can undertake no more. Every man must consider himself as an officer and act from his own judgment. * * * If we are repulsed, let us make a point to return and renew the fight. * * * If any of you are afraid, such have leave to retire, and they are requested immediately to take themselves off."*

The attack was immediately begun, the Americans climbing the rocky sides of the mountain and placing themselves behind rocks and trees, and pouring in a galling fire upon the solid British ranks. Several times the British made a bayonet charge to drive the Americans back, but as often the latter returned to the conflict and in turn compelled the British to give way.† For nearly an hour the contest raged with great fury; the advantage being now on one side and now the other. Finally, however, Ferguson was mortally wounded in an attempt to cut his way through the American lines, and soon after the officer who succeeded to the command saw that it was useless to continue the fight and thereupon sur-

rendered.* The American loss was 28 killed and 62 wounded; the British loss was reported at 206 killed, 127 wounded and 261 prisoners (all Tories), and of the regulars, 17 killed, 35 wounded and 70 captured.† So great was the anger of the mountaineers against the Tories that nine of the most obnoxious were hanged on the spot, and undoubtedly more would have suffered the same fate had not Sevier and Shelby interposed. After the victory the moun-



taineers returned to their homes as quickly and quietly as they had come, without waiting for or expecting the congratulations and acclamations of their country.‡

* McCrady, p. 798 *et seq.*; Ramsay, *Annals of Tennessee*, pp. 238-239.

† Carrington, *Battles of the Revolution*, p. 521. McCrady, however (p. 803), following Allaire's Diary in Draper, *King's Mountain and Its Heroes*, app., p. 510, places the British loss at 119 killed, 123 wounded, and 664 prisoners—a total of 906.

‡ For full details see Lyman C. Draper, *King's Mountain and Its Heroes* (1881), where the orig-

* Ramsay, *Revolution of South Carolina*, vol. ii., pp. 182-183; Draper, *King's Mountain and Its Heroes*, pp. 248-249.

† McCrady, *South Carolina in the Revolution*, pp. 794-797.

This blow was a very severe one to Cornwallis, for it completely disconcerted his plans and prevented his progress northward. On October 14, when he learned of the annihilation of Ferguson's force, Cornwallis left Charlotte and began to retreat toward South Carolina. In this movement the army suffered severely, for it rained almost incessantly, the soldiers had no tents, and the roads were almost impassable. Being injured to the climate, the Loyalists who had joined the royal army were extremely useful at this juncture, but because of harsh treatment, abusive language and even blows, a large number deserted the army.* Finally Cornwallis succeeded in passing the Catawba, and on October 29 reached Wynnborough (or Winnsboro).†

Meanwhile, having considerably augmented his forces, Sumter continued to harass the British in all quarters. He was a veritable will-o-the-wisp, flying from position to position before the British could gather sufficient troops to pursue him. He intercepted their convoys, cut off various detachments and in number-

less ways kept the army in constant alarm. Marion, too, continued to harass Tarleton and so successfully eluded the latter that he exclaimed "Come, my boys! let us go back, and we will soon find the game-cock [Sumter]; but as for this d—d *old fox* [Marion] the devil himself could not catch him."*. On November 12 Sumter was attacked by Major James Wemyss at Broad River, but he successfully repelled the assault. Wemyss was wounded and taken prisoner, but notwithstanding he had committed many acts of vandalism, he was protected from the fury of the militia.‡ On the 20th Sumter was again attacked at Blackstock Hill by Tarleton, but the latter also was defeated with great loss. In this conflict Sumter was wounded and for some months compelled to remain quiet.§ Thus the Americans

* On Marion's operations against Tarleton see Tarleton, *Campaigns*, p. 171 *et seq.*; Stedman, *American War*, vol. ii., p. 227 *et seq.*; McCrady, *South Carolina in the Revolution*, p. 815 *et seq.*; James, *Life of Marion*, p. 60 *et seq.*; Horry and Weems, *Life of Marion*, p. 137 *et seq.*; Lossing, *Field-Book of the Revolution*, vol. ii., p. 563 *et seq.*

† Tarleton, *Campaigns*, p. 173 *et seq.*; McCall, *History of Georgia*, vol. ii., p. 340 *et seq.*; James, *Life of Marion*, p. 73; Johnson, *Life of Greene*, vol. i., p. 317; Ramsay, *Revolution of South Carolina*, vol. ii., p. 189; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 445–446; McCrady, pp. 821–824; Fisher, *Struggle for American Independence*, vol. ii., pp. 369–370.

‡ McCall, *History of Georgia*, vol. ii., p. 343 *et seq.*; Lee, *Memoirs of the War*, p. 205 *et seq.*; Tarleton, *Campaigns*, p. 175 *et seq.*; Moore, *Life of Lacey*, p. 22 *et seq.*; Bancroft, vol. v., pp. 402–403; Carrington, *Battles of the Revolution*, pp. 521–522; McCrady, pp. 824–830; Draper,

inal evidence has been exhaustively collected; Bancroft, vol. v., pp. 395–401; M. A. Moore, *The Life of General Edward Tracey, with a list of Battles and Skirmishes in South Carolina during the Revolutionary War* (1859); Ramsay, *Revolution of South Carolina*, vol. ii., p. 812 *et seq.*; McCrady, chap. xxxv.; Fisher, *Struggle for American Independence*, vol. ii., pp. 342–365; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 424–429.

* Stedman, *American War*, vol. ii., p. 225.

† Bancroft, vol. v., p. 401; Lossing, *Field-Book of the Revolution*, vol. ii., p. 429.

were gradually winning back all the ground lost by Gates in his defeat at Camden, and with one or two exceptions from this time the British were continually defeated until the final surrender of Cornwallis at Yorktown.*

King's Mountain and Its Heroes, pp. 376-377; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 446-447; Gordon, *American Revolution*, vol. iii., p. 471 (ed. 1778); Stedman, *American War*, vol. ii., pp. 228-236.

* During the year, 34 battles had been fought in South Carolina (not including the affairs at Rugley's Mills, December 4, Hammond's Store, December 20, and Williams' Plantation, December 31, which properly belong to Greene's Campaign of 1781). Several engagements had also taken place in North Carolina and Georgia. In the 34 battles the Americans lost 1,967 killed and wounded and 7,227 prisoners—a total of 9,194, against a British loss of 1,816 killed and wounded and 1,317 prisoners—a total of 3,133. The chief American losses were at Charleston, where over 5,000 were surrendered and at Camden where over 1,200 were captured, the killed and wounded in these two battles being over 1,100. These losses occurred principally in the first half of the year, when Continental troops comprised the American armies, and during the same time the British had only suffered a total loss of about 650. After the partisan leaders assumed command, the conditions were exactly reversed, the British losing a total of about 2,500 men, whereas the American forces suffered a loss of only a few over 800.—See the statistical tables in McCrady, *South Carolina in the Revolution*, pp. 849-854.

But while the men were doing the actual fighting, we must not forget the part played in this memorable contest by the female element of the population. The mothers, wives and daughters of the patriots gloried in being called "rebel ladies." They visited the prison-ships in their efforts to relieve the sufferings of the soldiers, and in all parts of the country they were zealously employed in providing clothing for the soldiers. At Philadelphia a society was formed at the head of which was Martha Washington, wife of the commander-in-chief. Among other members were Mrs. Joseph Reed and Mrs. Sarah Bache, daughter of Benjamin Franklin. These women subscribed considerable sums of money to the public cause, and when their means were exhausted made a house to house canvass to collect as large a sum as possible from the inhabitants. Societies were formed to prepare lint and other necessities for the hospital service, and everything possible was done to offset the ill-effects of the delinquencies of Congress in this respect.

CHAPTER XXVIII.

1780.

TREASON OF BENEDICT ARNOLD.

Arnold's marriage and extravagances — The injustice of Arnold's treatment by Congress — His court-martial and Washington's sentence — He resolves to avenge himself by surrendering West Point to the British — Conference between him and André — André's capture — Washington goes to West Point — Arnold learns of André's capture, and flees — Washington's measures to defeat Clinton's designs — Court-martial of André — Correspondence between Clinton and Washington — Execution of André — Appendix to Chapter XXVIII — Sergeant Champe's adventure.

While Washington and the other patriots were experiencing all manner of difficulty in carrying on the war, the whole country was startled by the news of an act of treachery which, had it not been discovered in time, might have proved fatal to the cause of independence. This was the attempt of Benedict Arnold to turn over the fortifications at West Point to the British, in compensation for which he was to receive British gold and rank in the British army. Despite his great services in the early part of the war, therefore, Arnold's name must forever be held up as an inglorious example of a man whose pride and personal ambition outran all prudence and stifled all love of country — a man, who, when his pride was hurt and his ambition crossed, connived at a mode of revenge so detestible that all his previous record, brilliant as it was, could never atone for it. Yet, for the sake of historical accuracy, the two different chapters in Arnold's biography should be studied separately — the more so as the earlier one, though it

may help to explain, cannot fully, extenuate the later.*

Up to this time, Arnold had possessed the esteem and confidence of the entire country, and particularly of the army. His daring and impetuous valor had made him greatly beloved among officers and men, and he had achieved remarkable military glory by his expedition to Canada, the subsequent battle on Lake Champlain, and particularly his desperate charge at Behmus' Heights, in which he received a wound. Being rendered incapable of active service for some time, Arnold had been appointed commander of the troops at Philadelphia, probably one of the most injudicious selections possible.† At Philadelphia, because of his commanding position, Arnold soon became one of the leading men; but instead of con-

* In connection with Arnold, the reader should carefully and discriminately consult Sparks, *Life and Treason of Benedict Arnold*, being vol. iii., of the *Library of American Biography*, as Mr. Sparks is one of Arnold's severest critics. See also Sparks' ed. of *Washington's Writings*, vol. vii., pp. 520-552.

† Johnson, *General Washington*, p. 219.

ducting himself as became an officer and a thorough gentleman, he soon began to act arrogantly even to those who were his superiors. That he might maintain himself in the position he occupied with a greater degree of display than was actually necessary, he expended more than his income and gradually became involved in debt. He had established himself in the house formerly occupied by Penn, and had furnished it in a most sumptuous manner. There his entertainments quickly gathered around him a number of society people of Philadelphia, among whom were Margaret (Peggy) Shippen, daughter of Edward Shippen, a prominent merchant of the city. The two soon fell in love and shortly afterward became engaged and were married.* Arnold's entire mode of living changed from the time he entered Philadelphia, and even a large fortune, would have been sadly depleted by the banquets, balls, concerts, etc., which were given by him.† As his salary as an officer and the emoluments of his office did not suffice to pay for these, he was rapidly falling into debt, and was accused of having engaged in commercial and other enterprises that would not bear too close scrutiny. He was of a speculative nature, but though unfortunate at the table, could not resist

the temptation to play. As a result debts accumulated and he was constantly harassed by creditors. It was reported that he had engaged in practices highly discreditable to him both as a man and an officer,* and shortly

* "I am inclined to believe, that Arnold was a finished scoundrel from early manhood to his grave; nor do I believe that he had any real and true-hearted attachment to the Whig cause. He fought as a mere adventurer, and took sides from a calculation of personal gain, and chances of plunder and advancement."—Sabine, *American Loyalists*, p. 131. This quotation is given to show how far some writers will go in their efforts to blacken a character to suit their own purposes. So far from gaining by his attachment to the Whig cause, Arnold had lost a great part of his personal fortune in aiding that cause. He had expended large sums of his own money to maintain his army in Canada and elsewhere, and when he desired a settlement from Congress he was met with insinuations of fraud, deceit, speculation, etc., the sting of which even the exoneration of a court of inquiry could not palliate. Arnold had also contributed generously to the support and education of General Warren's children and in innumerable ways had displayed a whole-souled love for the cause in which he had taken up arms. Up to this time Arnold had performed greater services than any other single individual save Washington; it was Arnold who prevented Carleton from triumphantly marching through New York; it was Arnold who repulsed the British in Connecticut; it was Arnold who drove St. Leger from the Mohawk, thus saving the New York frontier; and finally it was Arnold who by his impetuous daring and superior generalship won the battle at Saratoga which caused the surrender of Burgoyne and prevented the division of the confederation which would have occurred had Clinton and Burgoyne joined forces. But for all these services, loss of fortune, and his wounds, how had he been treated by Congress? In addition to the accusation of fraud mentioned above, Congress had refused to promote him but had raised several of his juniors over his head; had refused to send him reinforcements when they were most needed; had almost refused him permission to go to fields where he could reap more laurels; and finally, when compelled to recognize his services, had done so in so grudging a way that the promotion was not less

* Arnold, *Life of Arnold*, pp. 227-231; Johnson, *George Washington*, pp. 221-223.

† Irving, *Life of Washington*, vol. iv., p. 12; Arnold, *Life of Arnold*, pp. 239-240.

afterward he was assailed with a series of charges by the Pennsylvania authorities, headed by President Joseph Reed.* Most of the charges were frivolous but two were serious—that he courted the Loyalists at the expense of the patriots and that he had used his position for his personal profit. A committee of Congress which examined the charges acquitted him absolutely, except on

bitter than would have been a reduction in rank. This was in great part due to his friendship for Schuyler and also to his habit of giving an impartial and fearless opinion regarding matters on which Congress had desired his opinion. Schuyler had been the object for the hatred of the New England members of Congress, then all powerful, and as we have seen, had been superseded by the intriguing Gates, then high in favor. Arnold's friendship for Schuyler therefore gained him the animosity of Gates, who did all possible to prevent his securing any further glory, even depriving him of command, and when the first battle had been won failing to mention his name in reports to Congress. Arnold had a sensitive nature and felt these disgraces keenly, so much so that he several times resigned but was persuaded by Washington to remain in the army. But even Washington himself could not secure for Arnold the recognition he thought due him, and it was only at Washington's earnest solicitation that Congress finally restored Arnold to a "violated right." The injustice of the whole thing, combined with the precarious condition of his financial affairs and the fact that he was in close personal relations with a large number of the Loyalist element of the population who constantly urged him to desert the cause, preyed upon Arnold's mind until he lost sight of the cause of liberty and became self-centered, a condition which ultimately resulted in his disgrace before the whole world. Washington was practically in the same position as Arnold but could view circumstances from an impersonal standpoint, whereas Arnold lacked the moral fibre to successfully stand the supreme test—and he fell, a fall for which as already intimated no valid excuse can possibly be offered.

* The charges are given in full in Arnold, *Life of Arnold*, pp. 243-245.

two foolish counts, and advised that these be ignored. Arnold seemed satisfied and then resigned his command, but Reed protested on the ground that he had more evidence and the whole affair was then referred to a court-martial. Month after month was spent by Arnold in an endeavor to secure a speedy trial, but with equal pertinacity Reed delayed his "evidence" until more than a year had passed from the time of the first indictment. In rendering its verdict January 26, 1780, the court returned practically the same verdict as before, but in addition sentenced him to be publicly reprimanded by Washington.* Accordingly, with great delicacy and yet with great firmness, Washington discharged this unpleasant duty.† He said: "Our

* Irving says: "We have considered [the particulars of this trial attentively] discharging from our minds, as much as possible, all impressions produced by Arnold's subsequent history, and we are surprised to find, after the hostility manifested against him by the Council of Pennsylvania, and their extraordinary measures to [pre]possess the public mind against him, how venial are the trespasses of which he stood convicted. * * * In regard to both charges nothing fraudulent on the part of Arnold was found, but the transactions involved in the first were pronounced irregular and contrary to one of the articles of war, and in the second imprudent and reprehensible considering the high station occupied by the general at the time."—*Life of Washington*, vol. iv., p. 22. See also Arnold, *Life of Arnold*, pp. 238 et seq., 257-258.

† See the *Proceedings of a General Court-Martial for the Trial of Major-General Arnold*; Arnold, *Life of Arnold*, p. 245 et seq.; Sparks' ed. of Washington's *Writings*, vol. vi., pp. 514-530; Fiske, *American Revolution*, vol. ii., p. 210 et seq.; Fisher, *Struggle for American Independence*, vol.

profession is the chastest of all; even the shadow of a fault tarnishes the lustre of our finest achievements. The least inadvertence may rob us of the public favor, so hard to be acquired. I reprimand you for having forgotten that in proportion as you had rendered yourself formidable to our enemies, you should have been guarded and temperate in your deportment towards your fellow-citizens. Exhibit anew those noble qualities which have placed you on the list of our most valued commanders. I will myself furnish you, as far as it may be in my power, with opportunities of gaining the esteem of your country."*

But it was too late: the public disgrace imposed on Arnold after all his magnificent services, his wounds, and his losses, filled him with a determination to revenge himself. He actually seems to have persuaded himself into the belief that he should be playing

the part of a real patriot by ending the war at a single blow, restoring peace and prosperity, and giving the colonies a much better government than they had now or had had before the war. He thought the British offers meant the practical granting of independence, and that once this were done the whole country would rise up to thank and honor him.* He therefore grasped the first opportunity which presented itself. He entered into correspondence with the British, which at first seems to have been of an innocent nature, but which grew apace from innocence into guilt and treason. Arnold knew that he could secure a good price for his treason, and as he required ready money to silence his most urgent creditors, determined to secure as much from the British as possible. He then gave form to his guilty intentions in letters to Colonel Beverly Robinson, by whom they were immediately communicated to Sir Henry Clinton.† This correspondence continued for more than a year before the compact was finally made, the letters to Major John André, adjutant-general of the British army, and from the latter to Arnold, being signed with the fictitious names of Gustavus and John Anderson.‡ In addition to a large sum of money, Arnold was

ii., pp. 302-304. See also the letters regarding this in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 275-278, 290-292.

* Irving, *Life of Washington*, vol. iv., p. 23. See Lossing, *Field-Book of the Revolution*, vol. i., p. 711, note 4; Arnold, *Life of Arnold*, p. 261. Arnold says: "The most unqualified language of condemnation has generally been used against him [Arnold] and the decision of the court-martial by which he was tried has been cited as establishing his guilt. So far from this, the judgment of the court, though in form guilty on two charges, was substantially an acquittal. The so-called reprimand of Washington was an eulogy, such as has rarely been bestowed on a public officer, and its warm commendation and generous sympathy—following the severe charges so widely circulated—was intended to, and did, express Washington's confidence and respect."—*Life of Arnold*, pp. 237-238 (Copyright by A. C. McClurg & Co.)

* Regarding Arnold's feelings at this time, see Arnold, *Life of Arnold*, p. 267 *et seq.*

† Regarding these letters see Arnold, *Life of Arnold*, pp. 271-281.

‡ Johnson, *General Washington*, p. 225.

promised rank in the British army equal to that which he enjoyed in the American army, he on his part agreeing to render the British some signal service. As he knew that West Point was the key to the whole American position, Arnold determined to secure command of the fortifications and army at that place. He then pretended an aversion to longer residence in Philadelphia and a desire to resume active service in the army, and finally persuaded Washington to give him command of West Point together with all forces in that vicinity.* In the early part of August, he arrived at West Point; and from the time of his arrival watched a favorable opportunity for the consummation of his treasonable designs, planning not only to deliver the fortress to the British, but also to scatter the troops under his command so that the British could fall upon them and easily cut them off, one by one.

At about this time Washington had gone to Hartford to confer with the French officers,† and the absence of the commander-in-chief seemed to afford a favorable opportunity for putting into execution the plans which had been formulated. Accord-

ingly, on September 21, the sloop of war *Vulture* sailed up the river and anchored in Haverstraw Bay, a few miles below King's Ferry. In this ship came Major André, for the purpose of agreeing upon the final arrangements necessary for the capture of the fortress. About midnight André landed from the *Vulture* and spent the whole night in conference with Arnold. As the conference took longer than was at first thought necessary, Arnold urged André to go to the house of Joshua H. Smith, and André reluctantly complied with his request.* In the early hours of the morning, André passed with Arnold through the American lines at Haverstraw and spent the forenoon in completing the details of the plan at Smith's house.† Arnold gave André a detailed account of the works and forces at West Point and also a pass under the name of Anderson, so that he could safely recross the lines if challenged. Arnold then returned to his headquarters at Hobinson's house, opposite West Point.‡

* Irving, *Life of Washington*, vol. iv., pp. 119-122.

* Sparks, *Life of Arnold*, p. 158 *et seq.*; Arnold, *Life of Arnold*, p. 284 *et seq.*; Sparks' ed. of *Washington's Writings*, vol. vii., p. 139. See also his letters of March 6, 1780, in Sparks, *Correspondence of the Revolution*, vol. ii., pp. 409-411; Lossing, *Field-Book of the Revolution*, vol. i., pp. 712-713; Johnson, *General Washington*, p. 227.

† Lodge says that Washington went to meet Rochambeau with some misgivings. See his *George Washington*, vol. i., p. 274.

‡ It is a matter of doubt how far this person was, or was not, an accomplice of Arnold's in his traitorous designs. The exact extent of his implicity will probably never be clearly ascertained. At his trial by court-martial no positive evidence was adduced on which he could be convicted, and after a few months of imprisonment he was allowed to escape. See Thacher, *Military Journal*, pp. 228-229; Leake, *Life of John Lamb*.

‡ Lossing, *Field-Book of the Revolution*, vol. i., pp. 714-724; Arnold, *Life of Arnold*, pp. 287-288.



1. ARNOLD PERSUADING ANDRÉ TO CONCEAL THE PAPERS IN HIS BOOT.
 2. THE DEATH WARRANT OF MAJOR ANDRÉ.

André was anxious to return to the *Vulture* with the least possible delay, but that ship had been fired upon from shore and had dropped down the river some distance, in consequence of which André was unable to persuade the boatmen to carry him the greater distance necessary to put him on board the ship. He therefore had no alternative but to return to the British lines by land. He thereupon changed his regimentals for citizen's dress over which he threw a great coat, and accompanied by Smith, set out a little before sunset upon his return trip. He crossed the river at King's Ferry to Verplanck's Point, and shortly after dark took the road toward New York. On the outposts the two men were challenged by a sentinel, but after close scrutiny André's pass secured his release with an apology. He was advised to remain all night in that vicinity because of the marauders infesting the "neutral ground," and it was only after much persuasion on the part of Smith that André finally consented to do so. At daybreak, after a night of great restlessness and uneasiness, André and Smith again started. After traveling some distance, the two men separated and André continued his journey toward New York alone.* While passing over the "neutral ground," a tract some 30 miles in extent along the

Hudson between the American and British lines, and when about a mile north of Tarrytown, André was accosted by three armed men who demanded to know his destination. Supposing himself to be among friends, André said: "I hope you belong to our party." "What party?" one of the men asked. "The lower party," answered André. As he was answered in the affirmative, André then declared himself to be a British officer engaged upon pressing business, but perceiving from the countenances of the three men that he had made a mistake, he showed Arnold's pass and urged them not to detain him.* The three men, John Paulding, Isaac VanWart, and David Williams, refused his request, ordered him to dismount, and then proceeded to search him. In his stockings were discovered the papers which Arnold had given him detailing the works and forces at West Point, etc.† Knowing that the men had sufficient evidence to condemn him as a spy, André offered them large sums of money for his release,‡ but they rejected the bribe and a few hours afterward André was lodged in confinement at Newcastle, the nearest military post, under command of Lieutenant-colonel John Jameson.||

* Fisher, *Struggle for American Independence*, vol. ii., pp. 306-307; Lossing, *Field-Book of the Revolution*, vol. i., pp. 753-755.

* See the testimony in Sparks, *Life and Treason of Arnold*, pp. 223-226; Irving, *Life of Washington*, vol. iv., p. 126.

† Lossing, *Field-Book of the Revolution*, vol. i., p. 756.

‡ Irving, *Life of Washington*, vol. iv., p. 129.

|| On the 3d of November, it was resolved, "That

When Jameson perceived the importance of the papers found upon André, he seems to have lost his senses entirely. With the absolute proof of Arnold's treachery in his possession, Jameson was so devoid of sagacity as to write a short note to Arnold telling him of André's arrest and of his determination to

Congress have a high sense of the virtuous and patriotic conduct of John Paulding, David Williams, and Isaac VanWart: in testimony whereof, ordered, that each of them receive annually, \$200 in specie, or an equivalent in the current money of these states, during life, and that the Board of War be directed to procure for each of them, a silver medal, on one side of which, shall be a shield, with this inscription, 'Fidelity,' and on the other, the following motto, 'Vincit Amor Patriae,' and forward them to the commander-in-chief, who is requested to present the same, with a copy of this resolution, and the thanks of Congress for their fidelity, and the eminent service they have rendered their country." See *Journals of Congress*, vol. vi., p. 154; Thacher, *Military Journal*, p. 213, footnote; Lossing, pp. 773-774. There has been much dispute as to whether it was "sterling virtue" or the hope of a larger reward from Congress than André offered that prompted the men to turn André over to the nearest patriot officer. Against their honesty it is argued by many people who knew the circumstances that these men consulted for some time before refusing the bribe and then rejected it only because the risk was too great and they had no faith in its being paid. Major Tallmadge believed that the men would have allowed André to enter New York if they had had the faintest idea that the money would be paid them, but they were afraid, if they sent a messenger after the money with a note from André telling their place of concealment, that a British detachment would be sent to capture them and release André, in which case they would be losers. On the various points of the controversy, see Benson, *Indication of the Captors of André*; Abbott, *Crisis of the Revolution*, p. 31; Boynton, *History of West Point*, chap. vii.; J. J. Boudinot, *Life of Boudinot*, vol. i., pp. 192-203; Ford's ed. of Washington's *Writings*, vol. vii., pp. 417-420, vol. viii., pp. 444-445, 449, 455.

send the prisoner to West Point.* Fortunately, he sent the papers with another note to meet Washington who was then supposed to be on the road returning from Hartford. In the evening Major Benjamin Tallmadge, second in command, came in from White Plains, and being thoroughly astonished and highly indignant at the news of the treachery of Arnold, begged Jameson to detain the prisoner at the post. Finally Jameson reluctantly consented to do this, though he still persisted in sending his letter to Arnold, thus giving him fair warning that his treachery was discovered and sufficient time to escape capture.†

André now realized that further attempts to conceal his true position would be foolhardy, for he knew that the papers sent to Washington would immediately establish his position as a spy. On September 24, therefore, he wrote a note to Washington revealing his name and rank, and endeavoring to prove that he was neither an imposter nor a spy. He asserted that he had come on the "neutral ground" for the purpose

* Thacher, *Military Journal*, p. 214.

† Jameson wrote to Washington on September 27 as follows: "I am very sorry that I wrote to General Arnold. I did not think of a British ship being up the river, and expected that, if he was the man he has since turned out to be, he would come down to the troops in this quarter, in which case I should have secured him. I mentioned my intention to Major Tallmadge, and some others of the Field-Officers, all of whom were clearly of the opinion that it would be right, until I could hear from your Excellency."—See Sparks, *Correspondence of the Revolution*, vol. iii., p. 102.

of consulting with another party, and that he had unknowingly gone within the American lines.* In other ways he also tried to prove that his rank entitled him to considerations other than those usually accorded a spy.

Meanwhile, on the evening of September 24, Washington had arrived at Fishkill, eighteen miles from Arnold's quarters, intending to go to West Point that evening. One of the officers, however, urged him to remain over night at Fishkill, and it was not until early on the morning of the 25th that he set off toward West Point, sending word ahead that he would breakfast with Arnold at Robinson's house. When nearly opposite West Point, Washington drove his horse from the main road down a lane, and was thereupon reminded by Lafayette that this road did not lead to Arnold's house and that at that time Mrs. Arnold was undoubtedly awaiting them for breakfast. With some words as to the officers being in love with Mrs. Arnold, Washington insisted upon riding still further to examine the redoubts on that side of the river, and sent forward two of his aides to Mrs. Arnold to explain the cause of delay.†

When Arnold learned that Washington and his suite would not arrive

for some time, he and his family, together with the aides, sat down to breakfast. While at the table, the messenger from Jameson arrived and presented the letter to Arnold, giving him the first information of André's capture. "Yet," says Irving, "in this awful moment he gave evidence of that quickness of mind which had won laurels for him when in the path of duty."* With a self-control that was amazing, Arnold read the letter, and, arising, informed the company that he must proceed at once to West Point. He then went to his wife's chamber, and calling her to him informed her of the circumstances and that he must fly for his life. Leaving her in a swoon on the floor, he hastily rode to the edge of the river, entered a barge which was waiting there for him, and urging the men forward by promises of reward, he soon reached safety aboard the *Vulture*.† Thence he was conveyed to New York, and later departed for Virginia.

Shortly afterward Washington reached headquarters at Robinson's house, and being informed that Arnold had crossed the river, he determined to hurry breakfast and to follow Arnold as soon as possible. As the whole party crossed the river, Washington remarked: "Gentlemen, I am glad General Arnold has gone

* See the letter in Lossing, *Field-Book of the Revolution*, vol. i., pp. 757-758, notes; Irving, *Life of Washington*, vol. iv., pp. 132-133; Arnold, *Life of Arnold*, pp. 292-293.

† Lossing, *Field-Book of the Revolution*, vol. i., p. 726. Another version is given in Irving, *Life of Washington*, vol. iv., p. 137.

* *Life of Washington*, vol. iv., p. 138.

† Fiske, *American Revolution*, vol. ii., pp. 225-226; Heath's *Memoirs*, p. 235 (Abbatt's ed.); Lossing, pp. 726-727; Arnold, *Life of Arnold*, pp. 295-297.

before us, for we shall now have a salute, and the roaring of the cannon will have a fine effect among these mountains." * The boat approached the other side of the river, but the cannon did not roar, nor was there any appearance of preparations being made to receive them, whereupon Washington exclaimed: "What, do they not intend to salute us?" Upon landing an officer arrived from the fortress and apologized for not being in condition to receive so distinguished a visitor. At this, Washington said: "How is this, sir, is not General Arnold here?" "No, sir," replied the officer, "he has not been here for two days past, nor have I heard from him in that time." † "This is extraordinary," said Washington; "we were told that he had crossed the river and that we should find him here. However, our visit must not be in vain. Since we have come, although unexpectedly, we must look around a little and see in what state things are with you." He then leisurely examined the fortifications, after which he and the officers returned to Robinson's house. ‡

On his return, Washington was met by Hamilton (who had stayed behind) in a very agitated frame of mind. Hamilton placed in Washington's hands the papers which had just ar-

rived from Jameson together with André's letter. Although Washington was shocked by Arnold's treachery, he did not lose self-command for a moment, but simply said to Lafayette and Knox: "Whom can we trust now?" * For a time he kept the matter quiet, but sent Hamilton down to Verplanck's Point to intercept Arnold; but Hamilton arrived at that place too late. †

Meanwhile Mrs. Arnold was frantic with grief and excitement, and received the sympathies and attention of Washington and his officers, who considered the woman innocent of complicity in the plot, and merely as the unfortunate wife of a traitor. Shortly afterward Arnold wrote a letter to Washington requesting that his wife and child be protected, asserting that Mrs. Arnold was entirely innocent of any knowledge of his treasonable actions. ‡ In this letter he also boasted that love of country had prompted his conduct. At the

* Brooks, *Life of Knox*, p. 136. See also Lodge, *George Washington*, vol. i., pp. 276-277.

† Lossing, *Field-Book of the Revolution*, vol. i., pp. 727-728.

‡ Mr. Sparks is of the opinion that nothing ever transpired to show that Mrs. Arnold was aware of her husband's plans and purposes. On the other hand, Mr. Davis, in his *Memoirs of Aaron Burr* (vol. i., p. 219), very positively declares Mrs. Arnold was not only a participator in his crimes, but worse than that, was a chief tempter to him, to sell himself and his country for gold. Parton in his *Life of Burr*, vol. i., p. 128, also takes this view, but it seems to be conclusively refuted by Sabine in his *Loyalists of the American Revolution*, vol. i., pp. 172-178. See also Arnold, *Life of Arnold*, pp. 299-302, 316 *et seq.*; and Lafayette's letter to Luzerne, quoted in Tower, *Marquis de LaFayette*, vol. ii., pp. 164-168.

* Arnold, *Life of Arnold*, p. 298.

† *Ibid.*, p. 298; Irving, *Life of Washington*, vol. iv., p. 139.

‡ Lossing, *Field-Book of the Revolution*, vol. i., p. 727.

same time Washington received another letter from Beverly Robinson claiming that André had come into the American lines under the protection of a flag, had been given a pass by the commanding officer of the American forces, and therefore ought to be set at liberty immediately.* Washington at once took measures to prevent the successful consummation of Clinton's designs, and while he did not know to what extent the blandishments of the British had turned the affections of the soldiers from the country, yet he did not withdraw his confidence from any, but treated them all as innocent of any connection with the crime. Wayne and the troops under him were ordered to proceed to West Point as a further precaution against attack by the British.†

On September 26 André, in the custody of Major Tallmadge, arrived at Robinson's house, and two days later was sent under an escort of cavalry to Stony Point and thence to Tappan. Soliciting Tallmadge's opinion as to the probable outcome of his capture, André was not very greatly reassured. According to Sparks, the conversation was as follows (Sparks quoting a letter):

"When I could no longer evade his importunity, I remarked to him as follows:—'I had a much-beloved class-mate in Yale College, by the name of Nathan Hale, who entered the army, in 1775. Immediately after the battle of Long Island,

* Lossing, p. 729; Irving, *Life of Washington*, vol. iv., pp. 142-143.

† Stillé, *Wayne and the Pennsylvania Line*, p. 233 et seq.

General Washington wanted information respecting the strength, position, and probable movements of the enemy. Captain Hale tendered his services, went over to Brooklyn, and was taken, just as he was passing the outposts of the enemy on his return.' Said I, with emphasis, 'Do you remember the sequel of this story?' 'Yes,' said André, 'he was hanged as a spy. But you surely do not consider his case and mine alike?' I replied, 'Yes, precisely similar, and similar will be your fate.' He endeavored to answer my remarks, but it was manifest, he was more troubled in spirit than I had ever seen him before."*

The next day Washington appointed a court-martial of which General Greene was president, and of which Knox, Stirling, St. Clair, Robert Howe, Samuel H. Parsons, John Glover, James Clinton, John Patterson, Edward Hand, John Huntington, John Stark, John Lawrence, Lafayette, and Steuben were members. When André was brought before the court-martial for examination, he candidly avowed the extent of his participation in the affair, concealing nothing that concerned himself, but steadily refusing to inculcate others. He acknowledged everything that was necessary to convict him as a spy, and the court-martial decided that he was guilty of being within the American lines in the capacity of a spy, and therefore ought to suffer a spy's death.† Washington then com-

* Sparks, *Life of Arnold*, pp. 255-259. See also Irving, *Life of Washington*, vol. iv., pp. 149-150.

† Thatcher, *Military Journal*, pp. 216-220; Lossing, *Field-Book of the Revolution*, vol. i., pp. 765-768; F. V. Greene, *Life of Greene*, p. 155 et seq.; Brooks, *Life of Knox*, pp. 136-137. Regarding the status of André, see the article by Charles J. Biddle, in *Memoirs of the Pennsylvania Historical Society*, vol. vi. (1858); Arnold, *Life*

municated the result to Clinton, at the same time allowing André to write a letter to the British general regarding his personal affairs.* Washington also indirectly made efforts to effect an exchange for André in the hope that Clinton would be willing to give up Arnold in André's stead, but this Clinton refused to do.† Instead, he entered into correspondence with Washington urging that by every consideration of justice, policy, and humanity, André ought not to be hanged. His letters were ineffectual, however, and he therefore sent three gentlemen to confer with Washington or any other officer whom the latter might appoint. At a meeting between the American officers and these British emissaries at Dobb's Ferry, every conceivable point in connection with André's conduct was discussed. The British advanced every reason as to why André should not be considered a spy and put to death as such. The conference ended without result, how-

ever, and the verdict of the court-martial was allowed to stand.*

The execution was to take place at 5 o'clock on the afternoon of October 1, but owing to the length of the conference between the American and British officers, it became necessary to postpone it until 12 o'clock October 2. André had pleaded to be shot as a soldier instead of being hanged as a spy;‡ but his entreaties were refused as being inconsistent with the usages of war and the established facts in connection with his case.‡ He was therefore hanged and the following picture of the scene is given by Dr. Thacher.||

"October 2d.—Major André is no more among the living. I have just witnessed his exit. It was a tragical scene of the deepest interest. During his confinement and trial, he exhibited these proud and elevated sensibilities, which designate greatness and dignity of mind. Not a murmur, or a sigh, ever escaped him, and the civilities and attentions bestowed on him, were politely acknowledged. Having left a mother and two sisters in Eng-

of *Arnold*, p. 322 et seq. See also H. W. Smith, *Andréana* (1865); Dawson, *Collection* (1866).

* Irving, *Life of Washington*, vol. iv., p. 155.

† The romantic adventures of Sergeant John Champe are related by Major Lee, in his *Memoirs*, vol. ii., pp. 159–187. See also Thacher, *Military Journal*, pp. 369–386; Lossing, vol. i., p. 774 et seq. Mr. Sparks in his *Life of Washington*, pp. 317–318, notes that there is an important error, in its being supposed that Champe was employed to bring away Arnold, in order to save André, whereas Champe did not go into New York till eighteen days after André's execution. The story of the sergeant's exploits is too interesting, however, to be omitted. See Appendix at end of present chapter.

* Lossing, *Field-Book of the Revolution*, vol. i., pp. 768–770; Sparks, *Life of Arnold*, p. 275; Arnold, *Life of Arnold*, p. 305 et seq.; Sparks' ed. of *Washington's Writings*, vol. vii., pp. 538, 541; Irving, *Life of Washington*, vol. iv., pp. 158–160.

‡ The letter is given by Lossing, p. 770, note; by Arnold, *Life of Arnold*, p. 309; and in Sparks' ed. of *Washington's Writings*, vol. vii., p. 543. Hamilton also urged that André's request be granted. See Lodge's ed. of *Hamilton's Works*, vol. viii., p. 18.

‡ Irving, *Life of Washington*, vol. iv., pp. 162–165.

|| Thacher, *Military Journal*, pp. 222–223.

land, he was heard to mention them in terms of the greatest affection, and in his letter to Sir Henry Clinton, he recommends them to his particular attention.*

“The principal guard officer, who was constantly in the room with the prisoner, relates, that when the hour of his execution was announced to him in the morning, he received it without emotion, and while all present were affected with silent gloom, he retained a firm countenance, with a calmness and composure of mind. Observing his servant enter his room in tears, he exclaimed, ‘Leave me, till you can show yourself more manly.’ His breakfast being sent him from the table of General Washington, which had been done every day of his confinement, he partook of it as usual, and having shaved and dressed himself he placed his hat on the table, and cheerfully said to the guard officers, ‘I am ready at any moment, gentlemen, to wait on you.’ The fatal hour having arrived, a large detachment of troops was paraded, and an immense concourse of people assembled; almost all our general and field officers, excepting his Excellency and his staff, were present on horseback; melancholy and gloom pervaded all ranks; and the scene was affectingly awful. I was so near during the solemn march to the fatal spot, as to observe every

movement, and participate in every emotion which the melancholy scene was calculated to produce. Major André walked from the stone house, in which he had been confined, between two of our subaltern officers, arm in arm; the eyes of the immense multitude were fixed on him, who, rising superior to the fears of death, appeared as if conscious of the dignified deportment which he displayed. He betrayed no want of fortitude, but retained a complacent smile on his countenance, and politely bowed to several gentlemen whom he knew, which was respectfully returned. It was his earnest desire to be shot, as being the mode of death most conformable to the feelings of a military man, and he had indulged the hope that his request would be granted. At the moment, therefore, when suddenly he came in view of the gallows, he involuntarily started backward, and made a pause. ‘Why this emotion, sir?’ said an officer by his side. Instantly recovering his composure, he said, ‘I am reconciled to my death, but I detest the mode.’ While waiting and standing near the gallows, I observed some degree of trepidation; placing his foot upon a stone, and rolling it over, and choking in his throat, as if attempting to swallow. So soon, however, as he perceived that things were in readiness, he stepped quickly into the waggon, and at this moment he appeared to shrink, but instantly elevating his head, with firmness, he said, ‘It will be but a

* See Arnold, *Life of Arnold*, pp. 313-314; Sparks’ ed. of *Washington’s Writings*, vol. vii., p. 537.

momentary pang;' and taking from his pocket two white handkerchiefs, the provost-marshal, with one, loosely pinioned his arms, and with the other, the victim, after taking off his hat and stock, bandaged his own eyes with perfect firmness, which melted the hearts and moistened the cheeks, not only of his servant, but of the throng of spectators. The rope being appended to the gallows, he slipped the noose over his head, and adjusted it to his neck, without the assistance of the awkward executioner. Colonel Scammel now informed him, that he

had an opportunity to speak, if he desired it; he raised his handkerchief from his eyes, and said, 'I pray you, to bear me witness, that I meet my fate like a brave man.' The waggon being now removed from under him, he was suspended, and instantly expired. It proved, indeed, 'but a momentary pang.' He was dressed in his royal regimentals and boots, and his remains, in the same dress, were placed in an ordinary coffin, and interred at the foot of the gallows; and the spot was consecrated by the tears of thousands."*

APPENDIX TO CHAPTER XXVIII.

SERGEANT CHAMPE'S ADVENTURE.

BY MAJOR LEE.

WASHINGTON, informed that others of the American officers, were, like Arnold, traitors to their country, resolved to ascertain, if possible, whether the information was correct. He sent for Major Lee, and asked him to name a man who was able and willing to proceed to New York, under the guise of a deserter, and ascertain the truth so important to be known, for the interest of the country, and the vindication of the character of the army, viz., whether there were other Arnolds among the officers, or whether he alone was the guilty traitor. Lee, happily, was possessed of the very man in his corps, and after an interview with the gallant sergeant, and overcoming his scruples against so unusual a duty, Champe agreed to make the required attempt. We now quote from Major Lee.

This part of the business being finished, the major's and sergeant's deliberations were turned to the manner of the latter's desertion; for it was well known to both, that to pass the numerous patrols of horse and foot crossing from the stationary guards, was itself difficult, which was now rendered more so, by parties thrown occasionally beyond the place called Liberty-pole, as well as by the swarms of irregulars, induced

sometimes to venture down to the very point of Paulus Hook, with the hope of picking up booty.

* See Hildreth, vol. iii., pp. 319-324; Bancroft, vol. v., pp. 427-438; Boynton, *History of West Point*.

"In no instance," says Washington, in a private letter, "since the commencement of the war, has the interposition of Providence appeared more remarkably conspicuous, than in the rescue of the post and garrison at West Point. How far Arnold meant to involve me in the catastrophe of this place, does not appear by any indubitable evidence, and I am rather inclined to think, he did not wish to hazard the more important object, by attempting to combine two events, the lesser of which might have marred the greater. A combination of extraordinary circumstances, and unaccountable deprivation of presence of mind in a man of the first abilities, and the virtue of three militiamen, threw the adjutant-general of the British forces, with full proof of Arnold's intention, into our hands, and, but for the egregious folly, or the bewildered conception, of Lieutenant-colonel Jameson, who seemed lost in astonishment, and not to have

Evidently discernible as were the difficulties in the way, no relief could be administered by Major Lee, lest it might induce a belief, that he was privy to the desertion, which opinion getting to the enemy, would involve the life of Champe. The sergeant was left to his own resources, and to his own management, with the declared determination, that in case his departure should be discovered before morning, Lee would take care to delay pursuit as long as was practicable.

Giving to the sergeant three guineas, and presenting his best wishes, he recommended him to start without delay, and enjoined him to communicate his arrival in New York, as soon thereafter as might be practicable. Champe, pulling out his watch, compared it with the major's, reminding the latter of the importance of holding back pursuit, which he was convinced would take place in the course of the night, and which might be fatal, as he knew that he should be obliged to zigzag, in order to avoid the patrols, which would consume time. It was now nearly eleven. The sergeant returned to camp, and taking his cloak, valise, and orderly-book, he drew his horse from the picket, and, mounting him, put himself on fortune. Lee, charmed with his expeditious consummation of the first part of the enterprise, retired to rest. Useless attempt! the past scene could not be obliterated; and, indeed, had that been practicable, the interruption which ensued, would have stopped repose.

Within half an hour Captain Carnes, officer of the day, waited on the major, and with considerable emotion, told him that one of the patrol had fallen in with a dragoon, who, being challenged, put spur to his horse, and escaped, though instantly pursued. Lee, complaining of the interruption, and pretending to be extremely fatigued by his ride to and from head-quarters, answered as if he did not understand what had been said, which compelled the captain to repeat it. "Who can the fellow that was pursued be?" inquired

known what he was doing, I should undoubtedly have gotten Arnold. André has met his fate, and with that fortitude which was to be expected from an accomplished man, and a gallant officer; but I mistake, if Arnold is suffering at this time, the torments of a mental hell. He wants feeling. From some traits of his character, which have lately come to my knowledge, he seems to have been so hackneyed in crime, so lost to all sense of honor and shame, that while his faculties still enable him to continue his sordid pursuits, there will be no time for remorse."—See Thacher, *Military Journal*, p. 227.

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the major, adding, "a countryman, probably." "No," replied the captain; "the patrol sufficiently distinguished him, to know that he was a dragoon; probably one from the army, if not certainly one of our own." This idea was ridiculed, from its improbability, as during the whole war but a single dragoon had deserted from the legion. This did not convince Carnes, so much stress was it now the fashion to lay on the desertion of Arnold, and the probable effect of his example. The captain withdrew to examine the squadron of horse, whom he had ordered to assemble in pursuance of established usage on similar occasions. Very quickly he returned, stating that the scoundrel was known, and was no less a person than the sergeant-major, who was gone off with his horse, baggage, arms, and orderly-book—so presumed, as neither the one nor the other could be found. Sensibly affected at the supposed baseness of a soldier extremely respected, the captain added, that he had ordered a party to make ready for pursuit, and begged the major's written orders.

Occasionally this discourse was interrupted, and every idea suggested, which the excellent character of the sergeant warranted, to induce the suspicion, that he had not deserted, but had taken the liberty to leave the camp, with a view to personal pleasure; an example, said Lee, too often set by the officers themselves, destructive, as it was, of discipline, opposed, as it was, to orders, and disastrous, as it might prove, to the corps, in the course of service.

Some little delay was thus interposed; but it being now announced, that the pursuing party was ready, Major Lee directed a change in the officer, saying, that he had a particular service in view, which he had determined to intrust to the lieutenant ready for duty, and which probably must be performed in the morning. He therefore directed him to summon Cornet Middleton for the present command. Lee was induced thus to act, first, to add to the delay, and next, from his knowledge of the tenderness of Middleton's disposition, which he hoped would lead to the protection of Champe, should he be taken. Within ten minutes, Middleton appeared to receive his orders, which were delivered to him, made out in the customary form, and signed by the major. "Pursue, so far as you can with safety, Sergeant Champe, who is suspected of deserting to the enemy, and has taken the road leading to Paulus Hook. Bring him alive that he may suffer in the presence of the army; but kill him, if he resists, or escapes after being taken."

Detaining the cornet a few minutes longer in advising him what course to pursue; urging him

to take care of the horse and accoutrements, if recovered, and enjoining him to be on his guard, lest he might, by his eager pursuit, improvidently fall into the hands of the enemy; the major dismissed Middleton, wishing him success. A shower of rain fell soon after Champe's departure, which enabled the pursuing dragoons to take the trail of his horse; knowing, as officer and trooper did, the make of their shoes, whose impression was an unerring guide.*

When Middleton departed, it was a few minutes past twelve, so that Champe had only the start of rather more than an hour; by no means so long as was desired. Lee became very unhappy, not only because the estimable and gallant Champe might be injured, but lest the enterprise might be delayed; and he spent a sleepless night. The pursuing party, during the night, was, on their part, delayed by the necessary halts, to examine occasionally the road, as the impression of the horse's shoes directed their course; this was unfortunately too evident, no other horse having passed along the road since the shower. When the day broke, Middleton was no longer forced to halt and he passed on with rapidity. Ascending an eminence, before he reached the Three Pigeons, some miles on the north of the village of Bergen, as the pursuing party reached its summit, Champe was descried not more than half a mile in front. Resembling an Indian in his vigilance, the sergeant, at the same moment, discovered the party, to whose object he was no stranger, and, giving spur to his horse, he determined to outstrip his pursuers. Middleton, at the same instant, put his horses to the top of their speed; and being, as the legion all were, well acquainted with the country, he recollected a short route through the woods, to the bridge below Bergen, which diverged from the great road, just after you gain the Three Pigeons. Reaching the point of separation, he halted, and dividing his party, directed a sergeant, with a few dragoons, to take the near cut, and possess, with all possible dispatch, the bridge, while he, with the residue, followed Champe; not doubting but that Champe must deliver himself up, as he would be enclosed between himself and his sergeant. Champe did not forget the short cut, and would have taken it himself, but he knew it was the usual route of our parties, when returning in the day from the neighborhood of the enemy, properly preferring the

woods to the road. He consequently avoided it; and, persuaded that Middleton would avail himself of it, wisely resolved to relinquish his intention of getting to Paulus Hook, and to seek refuge from two British galleys, lying a few miles to the west of Bergen.

This was a station always occupied by one or two galleys, and which it was known now lay there. Entering the village of Bergen, Champe turned to his right, and disguising his change of course as much as he could, by taking the beaten streets, turning as they turned, he passed through the village, and took the road towards Elizabeth-town Point. Middleton's sergeant gained the bridge, where he concealed himself, ready to pounce on Champe, when he came up; and, Middleton, pursuing his course through Bergen, soon got also to the bridge, when, to his extreme mortification, he found that the sergeant had slipped through his fingers. Returning up the road, he inquired of the villagers of Bergen, whether a dragoon had been seen that morning preceding his party. He was answered in the affirmative, but could learn nothing satisfactory as to the route he had taken. While engaged in inquiries himself, he spread his party through the village, to strike the trail of Champe's horse, a resort always resorted to. Some of his dragoons hit it, just as the sergeant, leaving the village, got in the road to the point. Pursuit was renewed with vigor, and again Champe was descried. He apprehending the event, had prepared himself for it, by lashing his valise, containing his clothes and orderly-book, on his shoulders, and holding his drawn sword in his hand, having thrown away its scabbard. This he did, to save what was indispensable to him, and to prevent any interruption to his swimming, from the scabbard, should Middleton, as he presumed, when disappointed at the bridge, take the measures adopted by him. The pursuit was rapid and close, as the stop occasioned by the sergeant's preparations for swimming, had brought Middleton within two or three hundred yards. As soon as Champe got abreast of the galleys, he dismounted, and running through the marsh to the river, plunged into it, calling on the galleys for help. This was readily given; they fired on our horse, and sent a boat to meet Champe, who was taken in, and carried on board, and conveyed to New York, with a letter from the captain of the galley, stating the past scene all of which he had seen.

The horse, with his equipments, the sergeant's cloak, and sword scabbard, were recovered; the sword itself, being held by Champe, till he plunged

* The horses being all shod by our own farriers, the shoes were made in the same form; which, with a private mark annexed to the fore shoes, and known to the troopers, pointed out the trail of our dragoons to each other, which was often very useful.

into the river, was lost, as Middleton found it necessary to retire, without searching for it.

About three o'clock in the evening, our party returned; and the soldiers, seeing the horse, well known to them, in our possession, made the air resound with exclamations, that the scoundrel was killed.

Major Lee, called by this heart-rendering annunciation, from his tent, saw the sergeant's horse led by one of Middleton's dragoons, and began to reproach himself with the blood of the highly-prized, faithful, and intrepid Champe. Stifling his agony, he advanced to meet Middleton, and became somewhat relieved, as soon as he got near enough to discern the countenance of his officer and party. There was evidence in their looks of disappointment, and he was quickly relieved, by Middleton's information, that the sergeant had effected his escape, with the loss of his horse, and narrated the particulars just recited.

Lee's joy was now as full as, the moment before, his torture had been excruciating. Never was a happier conclusion. The sergeant escaped unhurt, carrying with him to the enemy, undeniable testimony of the sincerity of his desertion; cancelling every apprehension before entertained, lest the enemy might suspect him of being what he really was.

Major Lee imparted to the commander-in-chief the occurrence, who was sensibly affected by the hair breadth escape of Champe, and anticipated with pleasure, the good effect sure to follow the enemy's knowledge of its manner.

On the fourth day after Champe's departure, Lee received a letter from him, written the day before, in a disguised hand, without any signature, and stating what had passed, after he got on board the galley, where he was kindly received.

He was carried to the commandant of New York as soon as he arrived, and presented the letter addressed to this officer from the captain of the galley. Being asked to what corps he belonged, and a few other common questions, he was sent, under care of an orderly-sergeant, to the adjutant-general, who, finding that he was sergeant-major of the legion of horse, heretofore remarkable for their fidelity, he began to interrogate him. He was told by Champe, that such was the spirit of defection which prevailed among the American troops, in consequence of Arnold's example, that, he had no doubt, if the temper was properly cherished, Washington's ranks would not only be greatly thinned, but that some of his best corps would leave him. To this conclusion, the sergeant said, he was led by his own observations, and especially by his knowledge of the discontents which

agitated the corps to which he had belonged. His size, place of birth, his form, countenance, color of his hair, the corps in which he had served, with other remarks in conformity to the British usage, were noted in a large folio book. After this was finished, he was sent to the commander-in-chief, in charge of one of the staff, with a letter from the adjutant-general. Sir Henry Clinton treated him very kindly, and detained him more than an hour, asking him many questions, all leading—first, to know to what extent this spirit of defection might be pushed by proper incitements; what were the most operating incitements; whether any general officers were suspected by Washington, as concerned in Arnold's conspiracy, or any other officers of note; who they were, and whether the troops approved or censured Washington's suspicions; whether his popularity in the army was sinking, or continued stationary; what was Major André's situation; whether any change had taken place in the manner of his confinement; what was the current opinion of his probable fate, and whether it was thought Washington would treat him as a spy. To these various interrogations, some of which were perplexing, Champe answered warily; exciting, nevertheless, hopes that the adoption of proper measures to encourage desertion, of which he could not pretend to form an opinion, would certainly bring off hundreds of the American soldiers, including some of the best troops, horse as well as foot. Respecting the fate of André, he said he was ignorant, though there appeared to be a general wish in the army that his life should not be taken; and that he believed, it would depend more on the disposition of Congress, than on the will of Washington.

After this long conversation ended, Sir Henry presented Champe with a couple of guineas, and recommended him to wait on General Arnold, who was engaged in raising an American legion in the service of his majesty. He directed one of his aids to write to Arnold by Champe, stating who he was, and what he had said about the disposition in the army to follow his example, which was very soon done; it was given to the orderly attending on Champe, to be presented, with the deserter, to General Arnold. Arnold expressed much satisfaction on hearing from Champe, the manner of his escape, and the effect of Arnold's example; and concluded his numerous inquiries, by assigning quarters to the sergeant; the same as were occupied by his recruiting-sergeants.

He also proposed to Champe to join his legion, telling him he could give to him the same station he had held in the rebel service, and promising further advancement when merited. Expressing

his wish to retire from war, and his conviction of the certainty of his being hung if ever taken by the rebels, he begged to be excused from enlistment; assuring the general that, should he change his mind, he would certainly accept his offer. Retiring to the assigned quarters, Champe now turned his attention to the delivery of his letters, which he could not effect till the next night, and then only to one of the two *incogniti* to whom he was recommended. This man received the sergeant with extreme attention, and, having read the letter, assured Champe that he might rely on his faithful co-operation in doing every thing in his power consistently with his safety, to guard which required the utmost prudence and circumspection. The sole object in which the aid of this individual was required, regarded the general and others of our army, implicated in the information sent to Washington by him. To this object Champe urged his attention, assuring him of the solicitude it had excited, and telling him that its speedy investigation had induced the general to send him into New York. Promising to enter on it with zeal, and engaging to send out Champe's letters to Major Lee, he fixed the time and place for their next meeting, when they separated.

Lee made known to the general what had been transmitted to him by Champe, and received in answer directions to press Champe to the expeditious conclusion of his mission, as the fate of André would be soon decided, when little or no delay could be admitted in executing whatever sentence the court might decree. The same messenger who brought Champe's letter, returned with the ordered communication. Five days had nearly elapsed after reaching New York, before Champe saw the confidant to whom only the attempt against Arnold was to be intrusted. This person entered with promptitude into the design, promising his cordial assistance. To procure a proper associate to Champe was the first object, and this he promised to do with all possible dispatch. Furnishing a conveyance to Lee, he again heard from Champe, who stated what I have related, with the additional intelligence that he had that morning, the last of September, been appointed one of Arnold's recruiting-sergeants, having enlisted the day before with Arnold; and that he was induced to take this afflicting step, for the purpose of securing uninterrupted ingress and egress to the house which the general occupied, it being indispensable to a speedy conclusion of the difficult enterprise which the information he had just received had so forcibly urged. He added, that the difficulties in his way were nu-

merous and stubborn, and that his prospect of success was by no means cheering. With respect to the additional treason, he asserted that he had every reason to believe that it was groundless; that the report took its rise in the enemy's camp, and that he hoped soon to clear up this matter satisfactorily. The pleasure which the first part of this communication afforded was damped by the tidings it imparted respecting Arnold, as on his speedy delivery depended André's relief. The interposition of Sir Henry Clinton, who was extremely anxious to save his much beloved aid-de-camp, still continued; and it was expected the examination of witnesses and the defence of the prisoner would protract the decision of the court of inquiry, now assembled, and give sufficient time for the consummation of the project committed to Champe. A complete disappointment took place from a quarter unforeseen and unexpected. The honorable and accomplished André, knowing his guilt, disdained defence, and prevented the examination of witnesses, by confessing the character in which he stood. On the next day, the 2d of October, the court again assembled, when every doubt that could possibly arise in the case having been removed by the previous confession, André was declared to be a spy, and condemned to suffer accordingly.

The sentence was executed on the subsequent day in the usual form, the commander-in-chief deeming it improper to interpose any delay. In this decision he was warranted by the very unpromising intelligence received from Champe—by the still existing implication of other officers in Arnold's conspiracy—by a due regard to public opinion—and by real tenderness to the condemned.

Neither Congress nor the nation could have been with propriety informed of the cause of the delay, and without such information it must have excited in both alarm and suspicion. André himself could not have been intrusted with the secret, and would consequently have attributed the unlooked-for event to the expostulation and exertion of Sir Henry Clinton, which would not fail to produce in his breast expectations of ultimate relief; to excite which would have been cruel, as the realization of such expectations depended only on a possible but improbable contingency. The fate of André, hastened by himself, deprived the enterprise committed to Champe of a feature which had been highly prized by its projector, and which had very much engaged the heart of the individual chosen to execute it.

Washington ordered Major Lee to communicate what had passed to the sergeant, with direc-

tions to encourage him to prosecute with unrestrained vigor the remaining objects of his instructions, but to intermit haste in the execution only so far as was compatible with final success.

This was accordingly done, by the first opportunity, in the manner directed. Champe deplored the sad necessity which occurred, and candidly confessed that the hope of enabling Washington to save the life of André, who had been the subject of universal commiseration in the American camp, greatly contributed to remove the serious difficulties which opposed his acceding to the proposition when first propounded. Some documents accompanied this communication, tending to prove the innocence of the accused general; they were completely satisfactory, and did credit to the discrimination, zeal and diligence of the sergeant. Lee inclosed them immediately to the commander-in-chief, who was pleased to express the satisfaction he derived from the information, and to order the major to wait on him the next day; when the whole subject was re-examined, and the distrust heretofore entertained of the accused was forever dismissed. Nothing now remained to be done but the seizure and safe delivery of Arnold. To this object Champe gave his undivided attention; and on the 19th of October, Major Lee received from him a very particular account of the progress he had made, with the outlines of his plan. This was without delay submitted to Washington; with a request for a few additional guineas. The general's letter, written on the same day, 20th of October, evinces his attention to the minutæ of business, as well as his immutable determination to possess Arnold alive, or not at all. This was his original injunction, which he never omitted to enforce on every proper occasion.

Major Lee had an opportunity, in the course of the week, of writing to Champe, when he told him, that the rewards which he had promised to his associates, would be certainly paid on the delivery of Arnold; and, in the mean time, small sums of money would be furnished for casual expenses, it being deemed improper that he should appear with much, lest it might lead to suspicion and detection. That five guineas were now sent, and that more would follow, when absolutely necessary.

Ten days elapsed before Champe brought his measures to conclusion, when Lee received from him his final communication, appointing the third subsequent night for a party of dragoons to meet him at Hoboken, when he hoped to deliver Arnold to the officer. Champe had, from his enlistment into the American legion, (Arnold's corps,) every opportunity he could wish to attend to the

habits of the general. He discovered, that it was his custom, to return home about twelve every night, and that previous to going to bed, he always visited the garden. During this visit, the conspirators were to seize him, and, being prepared with a gag, intended to have applied the same instantly.

Adjoining the house in which Arnold resided, and in which it was designed to seize and gag him, Champe had taken off several of the palings, and replaced them, so that with care, and without noise, he could readily open his way to the adjoining alley. Into this alley, he meant to have conveyed his prisoner, aided by his companion, one of two associates, who had been introduced by the friend, to whom Champe had been originally made known by letter from the commander-in-chief, and with whose aid and counsel, he had so far conducted the enterprise. His other associate, was, with the boat prepared, at one of the wharves, on the Hudson river to receive the party.

Champe, and his friend, intended to have placed themselves each under Arnold's shoulder and to have thus borne him through the most unfrequented alleys and streets to the boat; representing Arnold, in case of being questioned, as a drunken soldier, whom they were conveying to the guard-house.

When arrived at the boat, the difficulties would be all surmounted, there being no danger, nor obstacle, in passing to the Jersey shore. These particulars, so soon as known to Lee were communicated to the commander-in-chief, who was highly gratified with the most-desired intelligence. He directed Major Lee to meet Champe, and to take care that Arnold should not be hurt. The day arrived, and Lee, with a party of dragoons, left camp late in the evening, with three led accoutred horses; one for Arnold, one for the sergeant, and the third for his associate, never doubting the success of the enterprise, from the tenor of the last-received communications. The party reached Hoboken about midnight, where they were concealed in the adjoining wood — Lee, with three dragoons, stationing himself near the river shore. Hour after hour passed — no boat approached. At length the day broke, and the major retired to his party, and, with his led horses, returned to camp, when he proceeded to headquarters, to inform the general of the much lamented disappointment, as mortifying as inexplicable. Washington having perused Champe's plan and communication, had indulged the presumption, that at length the object of his keen

and constant pursuit, was sure of execution, and did not dissemble the joy such conviction produced. He was chagrined at the issue, and apprehended that his faithful sergeant must have been detected in the last scene of his tedious and difficult enterprise.

In a few days, Lee received an anonymous letter from Champe's patron and friend, informing him, that on the day preceding the night fixed for the execution of the plot, Arnold had removed his quarters to another part of the town, to superintend the embarkation of troops, preparing, as was rumored, for an expedition to be directed by himself; and that the American legion, consisting chiefly of American deserters, had been transferred from their barracks to one of the transports; it being apprehended, that if left on shore, till the expedition was ready, many of them might desert. Thus it happened, that John Champe, instead of crossing the Hudson that night, was safely deposited on board one of the fleet of transports, whence he never departed, till the troops under Arnold, landed in Virginia! nor was he able to escape from the British army, till after the junction of Lord Cornwallis, at Petersburg, when he deserted, and proceeding high up into Virginia, he passed into North Carolina, near the Sama towns, and, keeping in the friendly districts of that state, safely joined the army soon

after it had passed the Congaree, in pursuit of Lord Rawdon.

His appearance excited extreme surprise among his former comrades, which was not a little increased when they saw the cordial reception he met with from the late Major, now Lieutenant-Colonel Lee. His whole story soon became known to the corps, which reproduced the love and respect of both officer and soldier, heretofore invariably entertained for the sergeant, heightened by universal admiration of his late daring and arduous attempt.

Champe was introduced to General Greene, who very cheerfully complied with the promises made by the commander-in-chief, so far as in his power; and having provided the sergeant with a good horse and money for his journey, sent him to General Washington, who munificently anticipated every desire of the sergeant, and presented him with his discharge from further service,* lest he might in the vicissitudes of war fall into the enemy's hands; when, if recognized, he was sure to die on the gibbet.

* When General Washington was called by President Adams to the command of the army prepared to defend the country from French hostility, he sent to Lieutenant-Colonel Lee, to inquire for Champe; being determined to bring him into the field at the head of a company of infantry. Lee sent to Loudon county, where Champe settled after his discharge from the army; when he learned that the gallant soldier removed to Kentucky, where he soon after died.

CHAPTER XXIX.

1781.

FOREIGN AFFAIRS: FINANCIAL DEPRESSION CAUSES MUTINY.

Jay's futile efforts to obtain aid from Spain — British attack neutral commerce — The Armed Neutrality — Adams negotiates treaty with Holland — Diplomatic agents unsuccessful in other countries — Alarming condition of affairs in colonies — Notes of credit worthless — States requisitioned for more money — The domestic debt and interest — Money continues to depreciate — Robert Morris appointed superintendent of finances — He establishes a bank — Loans from foreign countries — Revolt of the Pennsylvannia Line — Wayne's attempt to pacify mutineers — Revolt of the New Jersey Brigade. Appendix to Chapter XXIX — Treaty of Armed Neutrality.

The conclusion of the treaties of commerce and alliance with France was followed by three events which had an important influence upon the fortunes of the colonies. These events were the declaration of war against Great Britain by Spain, the

armed neutrality of the nations of northern Europe, and the treaty concluded between Holland and the United States. At this time, Spain, though not as powerful as she had been during preceding centuries, was still formidable, and her possessions

in America made it important that Continental Congress should establish friendly relations with her. Franklin had early made efforts through the French court and by correspondence to secure united action between France and Spain, and to the treaty of 1778 a secret clause was appended providing for the adhesion of Spain to the alliance. In 1779 John Jay was appointed United States minister at Madrid, but for two years his labors had been fruitless.* So anxious had been Congress to secure an alliance with Spain that Jay was authorized to surrender the right of navigation of the Mississippi, and to renounce all claims or designs upon Spanish territory in America, as its price. Fortunately for the future of the country, Jay's mission was a failure. He himself said, "The cession of the navigation [of the Mississippi] will in my opinion render a future war with Spain unavoidable, and I shall look upon my subscribing to the one as fixing the certainty of the other." However, Spain was soon led into war with England, and the United States thereby reaped the advantages of an alliance without its necessary burdens. The declaration of war between these two countries was much better for the United States than if the treaty had been concluded upon the terms which Jay was authorized to offer.

Nevertheless, Spain could not be

induced to recognize the independence of the American colonies, nor to give any great substantial aid in promoting the American cause. Hence all the efforts of the French statesmen to secure the adhesion of Spain to the treaty of 1778 were of no avail. Count de Aranda, the Spanish ambassador, wrote to his government as follows: "The independence of the English colonies has been there recognized. It is for me a subject of grief and fear. France has but few possessions in America; but she was bound to consider that Spain, her most intimate ally, had many, and that she now stands exposed to terrible reverses. From the beginning, France has acted against her true interests in encouraging and supporting this independence, and so I have often declared to the ministers of this nation."

The vast naval power of Great Britain had rendered her haughty and overbearing, and she not only claimed the right to search vessels and seize the property of an enemy wherever found at sea, but also exercised this right with rigorous severity. She did not stop at capturing the vessels of the enemy, but also boarded neutral vessels and confiscated whatever of their cargoes was supposed to be the property of the enemy. The neutral powers had become sorely vexed at the arrogant attitude of the British in this respect and complained at the interference with commerce by British ships of war. This was particularly

* See Pellew, *John Jay*, chap. vi.

the case with the Dutch, whose commerce was not only very extensive but also profitable, their ships carrying ship timber and other military stores into the ports of France. At first Great Britain only remonstrated; then threatened, and finally resorted to force by attacking a convoy bound for the Mediterranean, which insult provoked the Dutch and finally involved the nation in a war with the British.* Ostensibly for the purpose of protecting their neutral commerce from the belligerents in the war then being carried on between Great Britain and her colonies, France and Spain, a confederacy was entered into in 1780 between Russia, Denmark, Sweden and Holland, known as the Armed Neutrality, which was the idea of Catharine II., of Russia.† This confederation defined contraband goods, declared that free ships made free goods, and stipulated also for the joint protection of their commerce by armed convoys, etc. It was resolved that neutral ships should enjoy a free navigation, even from port to port, and on the coasts of the belligerent powers; that all effects belonging to the subjects of the powers at war should be regarded as free on board neutral ships, except such goods as were stipulated to be contraband; and that no port should

be considered as in a state of blockade unless there should be a sufficient force before it to render such a blockade absolutely effectual.* The other European powers were requested to join this confederacy and France and Spain agreed to do so at once. Portugal, however, declined and the United Provinces delayed their answer.† While this confederation outwardly assumed an attitude of neutrality coupled with armed enforcement of its terms against the belligerents without favor, it was intended and accepted as an act unfriendly to Great Britain, and indicated to her that she was without a friend among the powers of Europe, and must fight her battles alone and unaided.

Meanwhile, Henry Laurens, when on his way to Holland to solicit a loan for the United States,‡ was captured,|| and the papers taken from him disclosed to the British ministry that Continental Congress was negotiating with Holland for a treaty. Toward the close of 1780, therefore, England resolved upon a war with the States-General.§

The third event, probably next in

* Freeman Snow, *Treaties and Topics in American Diplomacy*, pp. 7-11. See also Appendix at end of present chapter.

† Schuyler, *American Diplomacy*, pp. 371-374.

‡ See the *Secret Journals of Congress*, vol. ii., pp. 282-318, and especially for October, 21-26-30, November 1, 5, and 8, 1779, and June 20, 1780.

|| Moore, *American Diplomacy*, p. 16.

§ Hildreth, vol. iii., p. 334; Fiske, *American Revolution*, vol. ii., pp. 155-157; John Adams, *Works*, vol. vii., pp. 346-347, 348.

* On the diplomatic events leading up to this and on the causes which brought about the armed neutrality see Bancroft, vol. v., chaps. xxii.-xxiii.; Fiske, *American Revolution*, vol. ii., pp. 138-156.

† Schuyler, *American Diplomacy*, p. 369.

importance to the French alliance, in the foreign relations of the colonies was the treaty with Holland, the negotiations for which were conducted by John Adams.* As before stated, Henry Laurens was captured by the British, and Adams, then in Paris, was substituted. Before his departure for Holland, he offended Vergennes so greatly that he refused to correspond further with him,† Upon his arrival in Holland he entered upon the task before him with the zeal and devotion which were so characteristic of him, and after two years of effort his labors were crowned by a treaty of amity and commerce, which was especially valuable as recognizing the independence of the United States and rendering more easy the procuring of the greatly needed loans.‡ Mr. Adams was highly elated at his success in Holland, as is shown by his dispatches to America, and he ranked the result of his labors as “the greatest triumph of his life.|| He said also, “I think the treaty is conformable to the principles of perfect reciprocity, and contains nothing

that can possibly be hurtful to America or offensive to our allies, or to any other nation, except Great Britain, to whom it is indeed, without a speedy peace, a mortal blow.”*

The other diplomatic agents who had been sent by Congress to solicit recognition from European powers were not so successful. Arthur Lee had made an ineffectual attempt to enter upon negotiations at Madrid, but had been turned back by the Spanish government, and the treatment accorded him at Berlin was no more civil. William Lee, who had been accredited to Vienna and Berlin, had been kept away from both places and had not reached a point nearer either capital than Frankfort. Ralph Izard, who was appointed to Tuscany, was refused permission to go to Italy and remained in Paris. At St. Petersburg, Francis Dana spent two years in obscurity and experienced nothing but humiliation and failure.† Paris seemed to be the only place where American representatives were welcome, and there they all congregated to await a more favorable turn of events. The idle ministers and their secretaries were not only a drain upon the scanty treasury, but were also a continued source of trouble to Franklin, not only because of disputes among themselves and jealousy of him, but also because of actual interference

* The resolutions and commission authorizing Adams to conduct the negotiations in Holland in place of Laurens are in *Secret Journals of Congress*, vol. ii., pp. 314-317.

† For details see Foster, *A Century of American Diplomacy*, pp. 43-47; John Adams, *Works*, vol. i., p. 315 *et seq.*, vol. iii., pp. 187, 190-191, vol. vii., p. 243.

‡ John Adams, *Works*, vol. i., p. 329 *et seq.*, vol. vii., *passim*.

|| *Ibid.*, vol. i., p. 353. See also vol. vii., pp. 581-582, 587-591.

* *Ibid.*, vol. vii., p. 648.

† Moore, *American Diplomacy*, p. 19 *et seq.*

between him and the court. The two Lees and Izard were extremely envious of Franklin and lost no opportunity to manifest their enmity, but Franklin had too much serious work on his hands to pay attention to the disputes among his countrymen and in every way ignored their insidious attacks upon him. These attacks and insinuations against his usefulness and integrity of character did little harm to his reputation in America, for the great body of the American people and a large majority of the members of Congress had the utmost faith in him, and subsequent events proved that this faith was not misplaced.

It is not necessary that we enter into the details of the struggle which took place between Great Britain and her European antagonists in various parts of the globe. Their operations were of astounding magnitude, and victory rested first with one and then with the other. Great naval battles were fought with varied success, and large fleets of merchantmen were captured alternately by the English and by their foes, though upon the whole the English were the most successful. Several of the West India Islands changed hands a number of times during the war. The Spaniards captured Pensacola and extended their authority over the whole province of Florida, but neither France nor Great Britain lost sight of the war in America. In addition to the force under Rochambeau, France

determined to dispatch a larger fleet under the Count de Grasse, which, after completing certain operations in the West Indies, was to repair to the United States and aid Rochambeau and Washington in any manner possible. The English also spared no effort to increase their army in the colonies, in the hope that she might make a change for the better. in her affairs there and still further extend the progress of the British arms.

At this time the position of affairs in the colonies was such that the friends of the American cause were in a state of great alarm. While temporary relief had been afforded, no permanent system of supplying the needs of the army had been established and the country appeared to be on the verge of ruin.* The con-

* Madison described the situation in a letter to his father as follows: "Our army threatened with an immediate alternative of disbanding or living at free quarters; the public treasury empty; public credit exhausted, nay the private credit of purchasing agents employed, I am told, as far as it can bear; Congress complaining of the extortion of the people; the people of the improvidence of Congress; and the army of both; our affairs requiring the most mature and systematic measures, and the urgency of the occasion admitting only of temporary expedients, and these expedients generating new difficulties; Congress recommending plans to the several States for execution, and the States separately rejudging the expediency of such plans, whereby the same distrust of concurrent exertions that has dampened the ardour of patriotic individuals must produce the same effect among the States themselves; an old system of finance discarded as incompetent to our necessities, an untried and precarious one substituted and a total stagnation in prospect between the end of the former and the operation of the latter. These are the outlines of the picture

test was developing into a struggle for bare existence. The enemy in strong force was in the very heart of the country, while the Continental government was almost without an army, was absolutely devoid of money and, as Robert Morris said, its authority was almost "reduced to a metaphysical idea." * Notes of credit were worthless and Congress had been compelled to acknowledge this fact, their bills of credit being no longer a legal tender or receivable in payment of taxes. The early issues were so worthless that barber shops were papered with it. † But the darker the outlook, the greater were the exertions of the patriots. Their agents abroad were instructed to obtain loans from France, Spain and Holland, and further internal taxes were laid and apportioned among the several States by whose authority they were to be collected. ‡

of our public situation."—See Gaillard Hunt, *Life of Madison*, p. 32; Gay, *Life of Madison*, p. 21.

* Sumner, *Financier and Finances of the Revolution*, vol. i., p. 286.

† Breck, *Historical Sketch of Continental Paper Money*, in *Transactions of the American Philosophical Society*, vol. iii., p. 18.

‡ "About this time, the old continental money, by common consent, ceased to have currency. Like an aged man, expiring by the decays of nature, without a sigh or a groan, it fell asleep in the hands of its last possessors. By the scale of depreciation, the war was carried on five years, for little more than £1,000,000 sterling, and two hundred millions of paper dollars were made redeemable, by five millions of silver ones. In other countries, such measures would have produced popular insurrections, but in the United States, they were submitted to without any tumults. Public faith was violated, but in the

"Exclusive of these sums obtained abroad, the debts contracted by arrears of army pay and commissary certificates at home, and such specific supplies as had been received, the expenditures from the federal treasury for the year 1780 amounted to \$83,000,000 in old tenor, and \$900,000 in new; the whole value in specie at about \$3,000,000, a great falling off from the expenditures even the last year, and an indication of the rapidly declining resources of Congress." *

On March 18, 1781, Congress called upon the States for an additional \$6,000,000, in quarterly installments, the payment of which was to be in money of specie value and to commence on June 1. This was in addition to the requisitions of last year which remained to a great extent undischarged. The domestic debt now

opinion of most men, public good was promoted. The evils consequent on depreciation had taken place and the redemption of bills of credit, at their nominal value, as originally promised, instead of remedying the distress of the sufferers, would, in many cases, have increased them, by subjecting their small remains of property, to exorbitant taxation. The money had, in a great measure, got out of the hands of the original proprietors, and it was in the possession of others, who had obtained it at a rate of value, not exceeding what was fixed upon it by the scale of depreciation. Nothing could afford a stronger proof, that the resistance of America to Great Britain, was grounded in the hearts of the people, than these events. * * * The people saw the necessity which compelled their rulers to act in the manner they had done, and being well convinced that under other circumstances, would scarcely have been expiated by the lives and fortunes of their authors."—Ramsay, *History of the American Revolution*, vol. ii., p. 519.

* Hildreth, vol. iii. p. 331.

amounted to \$24,000,000, specie value, to which about \$5,000,000, due abroad, were to be added the amount being estimated under the scale of depreciation adopted by Congress, the outstanding old tenor having sunk to 75 for 1. Beside this annual interest to the amount of \$1,000,000 was already payable on the liquidated portion of this debt.

Including \$500,000 of outstanding commissary certificates, it was estimated that the requirements for the year 1781 would be \$19,500,000, specie value, to meet which the treasury officials counted on receiving \$9,000,000 from the unpaid requisitions of the last year, and three of the quarterly installments of the \$6,000,000 requisition lately made upon the States, which would give \$4,500,000. Beside this, \$3,200,000 were counted upon from the exchange of outstanding "old tenors" for bills of the new emission; \$500,000 in commissary certificates would be produced by outstanding paper money requisitions; and it was hoped that the proposed import duty of 5 per cent. would yield another \$500,000. But the estimated income did not reach the amount of the estimated expenditure, and when the time came for the actual transactions, the greater part of the income was not realized. The "old tenor" paper continued to depreciate, carrying with it the "new tenor." In May, 1781, besides recommending to the States that they repeal any laws

making paper bills of any sort a legal tender, Congress informed the States that the requisitions called for must be met in "solid coin" or its equivalent. The "new tenor" having now sunk to 4 for 1, it was not an equivalent, and as further issues would entail heavy loss on the government, Congress advised that they be stopped. Thus rejected by its creator, the paper money, of which over \$100,000,000 in "old tenor" remained outstanding, declined more rapidly than ever, falling to 100, 125, 200, 500 and finally to 1,000 for it, being considered so valueless that nobody would hold it for a day, even the soldiers resolving not to take it. It soon disappeared from circulation.*

The management of financial affairs by means of a committee had now proven to be prejudicial to the interests of the country, and Congress therefore determined to introduce a thorough reform. It was decided to place one man at the head of the financial department who should be responsible to the country for the proper handling of its affairs. As there was a great disorder and waste in the finances, it was felt that the country could not secure a better person to make the desired change than Robert Morris, a man whose pure morals, ardent patriotism and vast knowledge of financial matters eminently fitted him for this im-

* Hildreth, vol. iii., pp. 359-361.

portant station. Accordingly, on February 20, 1781, Morris was elected superintendent of finances by the unanimous vote of the States, with the exception of Massachusetts, which abstained from voting.* On May 14 Morris was installed in office† and on the 17th laid before Congress a plan for a national bank,‡ concerning which he and Alexander Hamilton had corresponded freely. Morris planned to capitalize the bank at \$400,000 in gold and silver, with power to increase this amount if necessary, its notes constituting the currency of the country and to be accepted as specie for duties and taxes by the Nation and by every State.|| Congress, however, had not the power to legalize such a bank and the proposition was submitted to the States. The vote was carried by New Hampshire, New Jersey and the five southernmost States, while Massachusetts voted in the negative, Pennsylvania was divided, and Madison alone of the Virginia members opposed it as being beyond the powers of the Confederation.§ The bank was incorporated as the "President, Directors and Corporation of the

Bank of North America.'" By borrowing in the name of the government through this bank, and pledging for payment the taxes as yet uncollected, Morris was enabled to anticipate them and to command a ready supply of money. Though the government credit had failed, Morris used his own private credit which was considered excellent.† It has been reported that large sums of money were advanced by him out of his own personal resources, but these legends may be rejected as unfounded.‡

But America was indebted no less to her foreign representatives than she was to the exertions of the officials at home. Franklin, who in September, 1778, had been appointed minister plenipotentiary to France, obtained from Louis XVI. a gift of 6,000,000 livres (over \$1,100,000) beside a loan of 4,000,000 livres (over \$740,000). Holland, however, refused

* Oberholtzer, p. 108.

† Oberholtzer, p. 157.

‡ Sumner, *Robert Morris*, pp. 61-63. For other details regarding Morris and his financial operations, see W. G. Sumner, *The Financier and the Finances of the Revolution* (2 vols., New York, 1891); Michael Nourse, *Robert Morris, the Financier in Banker's Magazine*, vol. ix., (1860); Charles H. Hart, *Robert Morris, the Financier of the American Revolution*, in *Pennsylvania Magazine*, vol. i.; Robert Waln, Jr., *Robert Morris*, vol. v. of Sanderson's *Lives of the Signers of the Declaration of Independence* (Philadelphia, 1823); Redwood Fisher, *Revolutionary Reminiscences connected with the life of Robert Morris*; Lawrence Lewis, Jr., *A History of the Bank of North America* (Philadelphia, 1882), the *Letters to Robert Morris, 1775-1782*, in *Collections of the New York Historical Society* for 1878.

* *Journals of Congress*, vol. iii., p. 580; Oberholtzer, *Life of Robert Morris*, pp. 65-73; Sumner, *Robert Morris*, p. 53 et seq.

† Though he did not take the oath of office as Superintendent of Finance until June 27.

‡ *Journals of Congress*, vol. iii., p. 624; *Diplomatic Correspondence*, vol. vii., pp. 444-449; Oberholtzer, p. 74.

|| Oberholtzer, p. 96 et seq.

§ Bancroft, vol. vi., pp. 26-27.

to loan the United States on their own credit, but the French monarch guaranteed the loan to the States-General, and on this security Congress obtained 10,000,000 livres (about \$1,850,000) from Holland.* Spain refused to advance any money unless the United States would renounce the navigation of the Mississippi; but, as before stated, this proposition was peremptorily rejected.

Before the beneficent effect of these measures was felt, an event had occurred which threatened the most serious consequences. On January 1, 1781, about 1,300 soldiers of the Pennsylvania Line, because of non-payment of salaries, etc., paraded under arms, refused to obey their officers and committed a number of outrages.† They had enlisted for a term of three years, or during the war, and the officers contended that, according to the agreement, the soldiers should serve to the end of the war, no matter how far distant that end might be; while, on the other hand, the soldiers maintained that they had engaged to serve three years only, or during the war if it

should terminate before the three years had elapsed.* Consequently, when they were not allowed to return home at the end of their terms, they became highly disgruntled, which condition was further aggravated by their sufferings from extreme want.† They determined to obtain a redress of grievances, and, having seized six field-pieces, marched off toward Princeton, intending to go to Philadelphia to lay their situation before Congress.‡ In an effort to bring the mutineers to submission, General Wayne interposed and threatened to shoot the most audacious, but hardly had he cocked his pistol when several bayonets were at his breast, the men exclaiming, "We respect you, General; we love you, but you are a dead man if you fire! Do not mistake us, we are not going to the enemy; on the contrary, were they to come out, you should see us fight under you with as much resolution and alacrity as ever;

* L. C. Hatch, *The Administration of the American Revolutionary Army*, in *Harvard Historical Studies*, vol. x., pp. 125-127; Thacher, *Military Journal*, pp. 240-241. There were several other causes for discontent among the Pennsylvania troops, for details of which see Stillé *Wayne and the Pennsylvania Line*, pp. 166-181, 215-218, 229-233.

† Wayne said in a letter: "Poorly clothed, badly fed, and worse paid, some of them not having received a paper dollar for near twelve months; exposed to winter's piercing cold, to drifting snows and chilling blasts, with no protection but old worn-out coats, tattered linen overalls and but one blanket between three men. * * * The delicate mind and eye of humanity are hurt, very much hurt, at their visible distress and private complainings."—See Irving, *Life of Washington*, vol. iv., p. 224.

‡ Stillé, *Wayne*, pp. 240-243.

* Sparks, *Life of Franklin*, p. 468; Parton, *Life of Franklin*, vol. ii., pp. 389-391; Fisher, *Struggle for American Independence*, vol. ii., pp. 447-449; Morse, *Life of Franklin*, chap. xii. See also the various letters of Franklin, Vergennes, and others in Hale, *Franklin in France*, especially vol. i., pp. 455-456, vol. ii., p. 29.

† See Wayne's letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 192-193; Heath's *Memoirs*, pp. 248-249 (Abbatt's ed.)

but we wish a redress of grievances and will no longer be trifled with."* Wayne, however, argued the matter with the mutineers and finally induced them to put their demands in writing. The demands consisted of a request that all who had served three years should be discharged, an immediate payment of all arrears due them, and that future pay be in specie to all who remained in the service.† At Princeton the mutineers were met by a committee of Congress, joined by President Joseph Reed of Pennsylvania, and a satisfactory compromise was reached, whereupon the mutineers gave up their arms.‡ The British commander had hoped to profit by this revolt, and emissaries were sent among the discontented troops, making them all sorts of inducements to join the British army. These offers were declined with indignation, as the troops had no idea of turning traitors to their country, merely wishing justice at the hand of Congress.||

This movement had caused Washington no little concern and anxiety.

* Quincy's *Memoir of Major Shaw*, p. 85.

† Lossing, *Field-Book of the Revolution*, vol. i., pp. 312-313.

‡ See the *Diary of the Revolt in Pennsylvania Archives*, series ii., vol. xi., pp. 691-674. See also Stillé, *Wayne*, p. 243 *et seq.*; and the letters in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 194-199.

|| Hildreth, vol. iii., pp. 336-338; Heath's *Memoirs*, pp. 249-250; Thacher, *Military Journal*, pp. 242-243; Carrington, *Battles of the Revolution*, pp. 536-538; Sullivan's and Dickinson's letters in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 199, 205-207.

He was perfectly well aware that the grounds for discontent were plenty, and was disposed to be as lenient as possible with men who had been driven to an extremity. Nevertheless, he realized the significance of the example of the Pennsylvania troops in inciting similar outbreaks, and therefore took effectual measures to quell every such attempt. He selected a body of troops in the Highlands, in whom he placed complete reliance, and held them in readiness to march at a moment's notice. Hardly had the organization of this force been completed, when on January 20 a part of the New Jersey Brigade rebelled and made demands similar to those to which Congress had yielded in the case of the Pennsylvania troops. The Jersey soldiers marched to Chatham, but Washington immediately dispatched General Robert Howe against them to crush the revolt by force, unless the men should unconditionally surrender and return to duty. Washington's orders were promptly executed, and having been taken by surprise, the Jersey soldiers immediately yielded. Two of the ringleaders were shot and the spirit of mutiny was thus effectually subdued.*

* Hildreth, vol. iii., pp. 338-339; Sparks' ed. of Washington's *Writings*, vol. vii., pp. 380-381, App. no. x.; Thacher, pp. 244-245. On these revolts see also Gordon, *American Revolution*, vol. iv., pp. 16-22 (ed. 1788); Stillé, *Life of Wayne*, pp. 239-262; Ford's ed. of Washington's *Writings*, vol. ix., pp. 87-98, 100-102, 117-119, 121-123; Bolton, *The Private Soldier Under*

APPENDIX TO CHAPTER XXIX.

TREATY ON ARMED NEUTRALITY BETWEEN THE EMPRESS OF RUSSIA AND THE KING OF DENMARK; ACCEDED TO BY THE KING OF SWEDEN. AND THE STATES-GENERAL OF THE UNITED PROVINCES.

Article I.—Their respective majesties are fully and sincerely determined to keep upon the most friendly terms with the present belligerent powers, and preserve the most exact neutrality: they solemnly declare their firm intention to be, that their respective subjects shall strictly observe the Laws forbidding all contraband trade with the powers now being, or that may hereafter be, concerned in the present disputes.

Article II.—To prevent all equivocation or misunderstanding of the word Contraband, their imperial and royal majesties declare, that the meaning of the said word is solely restrained to such goods and commodities, as are mentioned under that denomination, in the treaties subsisting between their said majesties and either of the belligerent powers. Her imperial majesty abiding principally by the X. and XI. articles of the treaty of commerce with Great Britain; the conditions therein mentioned, which are founded on the Rights of Nations, being understood to extend to the kings of France and Spain; as there is at present no specific treaty of commerce between the two latter and the former. His Danish majesty, on his part, regulates his conduct in this particular, by the first article of his treaty with England, and by the 26th and 27th of that subsisting between his said majesty and the king of France, extending the provisions made in the latter to the Catholic king; there being no treaty *ad hoc*, between Denmark and Spain.

Article III.—And whereas, by this means, the word contraband, conformable to the treaties now extant, and the stipulations made between the contracting powers, and those that are now at war, is fully explained; especially by the treaty between Russia and England, of the 20th of June, 1766; between the latter and Denmark, of the 11th of July, 1670; and between their Danish and most Christian majesties, of August 23d, 1642; the will and opinion of the high contracting powers are, that all other trade whatsoever shall be deemed, and remain free and unrestrained.

Washington, pp. 65, 67, 70; *Reed, Life of Joseph Reed*, vol. ii., p. 325; *Lossing, Field-Book of the Revolution*, vol. i., p. 314.

By the declaration delivered to the belligerent powers, their contracting majesties have already challenged the privileges founded on Natural Right, whence spring the Freedom of Trade and Navigation, as well as the right of Neutral Powers: and being fully determined not to depend in future merely on an arbitrary interpretation, devised to answer some private advantages or concerns, they mutually covenanted as followeth:

1st. That it will be lawful for any ship, whatever, to sail freely from one port to another, or along the coasts of the powers not at war.

2nd. That all merchandize and effects belonging to the subjects of the said belligerent powers, and shipped on neutral bottoms, shall be entirely free; except contraband goods.

3d. In order to ascertain what constitutes the blockade of any place or port, it is to be understood to be in such predicament when the assailing power has taken such a station, as to expose to imminent danger, any ship or ships that would attempt to sail in or out of the said ports.

4th. No neutral ship shall be stopped, without a material and well-grounded cause; and in such cases, justice shall be done to them, without loss of time; and besides indemnifying, each and every time, the party aggrieved or thus stopped without sufficient cause, full satisfaction shall be given to the high contracting powers, for the insult offered to their flag.

Article IV.—In order to protect officially the general trade of their respective subjects, on the fundamental principles aforesaid, her imperial and his royal majesty have thought proper, for effecting such purpose, each respectively to fit out a proportionate rate of ships of war and frigates. The squadron of each of the contracting powers shall be employed in escorting convoys, according to the particular circumstances of the navigators and traders of each nation.

Article V.—Should any of the merchantmen belonging to the subjects of the contracting powers, sail in a latitude where there shall be no ships of war of their own nation, and thus be deprived of the protection; in such case, the commander of the squadron belonging to the other friendly power shall, at the request of said mer-

chantmen, grant them sincerely, and *bona fide*, all necessary assistance. The ships of war and frigates, of either of the contracting powers, shall thus protect and assist the merchantmen of the other: provided nevertheless, that, under the sanction of such required assistance and protection, no contraband shall be carried on, nor any prohibited trade, contrary to the Laws of Neutrality.

Article VI.—The present convention cannot be supposed to have any relative effect; that is, to extend to the differences that may have arisen since its being concluded, unless the controversy should spring from continual vexations, which might tend to aggrieve and oppress all the European nations.

Article VII.—If, notwithstanding the cautious and friendly care of the contracting powers, and their steady adherence to an exact Neutrality, the Russian and Danish merchantmen should happen to be insulted, plundered, or captured by any of the armed ships of privateers, belonging to any of the belligerent powers: in such case, the ambassador or envoy of the aggrieved party, to the offending court, shall claim such ship or ships, insisting on a proper satisfaction, * * * and never neglect to obtain a reparation for the insult offered to the flag of his court. The minister of the other contracting power shall at the same time, in the most efficacious and vigorous manner, defend such requisitions, which shall be supported by both parties with unanimity. But in case of any refusal, or even delay in redressing the grievances complained of; then their majesties will retaliate against the powers that shall thus refuse to do them justice, and immediately agree together on the most proper means of making well-founded reprisals.

Article VIII.—In case either of the contracting powers, or both at the same time, should be in any manner aggrieved or attacked, in consequence of the present convention, or for any reason relating thereto; it is agreed, that both powers will join, act in concert for their mutual defence, and unite their forces, in order to procure to themselves an adequate and perfect satisfaction, both in regard to the insult put upon their respective flags, and the losses suffered by their subjects.

Article IX.—This convention shall remain in force for and during the continuance of the present war; and the obligation enforced thereby, will serve as the ground-work of all treaties that may be set on foot hereafter: according to future

occurrences, and on the breaking out of any fresh maritime wars which might unluckily disturb the tranquillity of Europe. Meanwhile, all that is hereby agreed upon, shall be deemed as binding and permanent, in regard both to mercantile and naval affairs; and shall have the force of Law, in determining the rights of Neutral Nations.

Article X.—The chief aim and principal object of the present convention being to secure the Freedom of Trade and Navigation, the high contracting powers have antecedently agreed, and do engage to give to all other neutral powers free leave to accede to the present treaty, and, after a thorough knowledge of the principles on which it rests, share equally in the obligations and advantages thereof.

Article XI.—In order that the powers, now at war, may not be ignorant of the strength and nature of the engagements entered into by the two courts aforesaid, the high contracting parties shall give notice, in the most friendly manner, to the belligerent powers, of the measures by them taken; by which, far from meaning any manner of hostility, or causing any loss or injury to other powers, their only intention is to protect the trade and navigation of their respective subjects.

Article XII.—This convention shall be ratified by the contracting powers, and the ratifications interchanged between the parties in due form, within the space of six weeks, from the day of its being signed, or even sooner, if possible. In witness whereof, and by virtue of the full powers granted us for the purpose, we have put our hands and seals to the present treaty.

Given at Copenhagen, July the 19th, 1780.

CHARLES D'OSTEN, called SOKEN.

J. SCHACK RATLAU.

A. P. COMTE BERNSTORFF.

O. THOFT.

H. EIKSTEDT.

Acceded to, and signed by the Plenipotentiaries of the court of Sweden, at St. Petersburg, 21st of July, 1780: and by the States-General accepted, November 20th, 1780; and signed at St. Petersburg January 5th, 1781, with the addition only of article * * *

Article XIII.—If the respective squadrons, or ships of war, should meet or unite to enact in conjunction, the command in chief will be regulated according to what is only commonly practised between the crown heads and the republic.

CHAPTER XXX.

1781.

ARNOLD IN VIRGINIA: CORNWALLIS AND RAWDON IN THE CAROLINAS.

Arnold goes to Virginia — Washington's ineffectual efforts to intercept him — Arnold's depredations in Virginia — General Phillips sent to Virginia — Battle of Petersburg — Lafayette placed in command of troops in Virginia — Condition of the troops — Death of General Phillips — General Greene takes command of southern army — Army divided — Morgan's attack on Ninety-Six — Battle of Cowpens — Cornwallis pursues Morgan — The race between Greene and Cornwallis — Battle of Guilford Court House — Battle of Hobkirk's Hill — American forces attack Orangeburgh, Fort Watson and Fort Mott — Partisan warfare in Georgia — Greene's attack on Ninety-Six — Army placed in summer quarters — Battle of Eutaw Springs — Close of the war in South Carolina.

Meanwhile, Arnold had been sent by the British commander to devastate the Virginia coast and Washington was anxious to intercept him. Toward the middle of January, 1781, a storm overtook the British fleet off the east end of Long Island and so much damaged it as to render the French fleet greatly superior on the sea. The French admiral, Des-touches, who had succeeded to the command of the fleet upon the death of DeTernay, was now induced to send a force to the Chesapeake to act against Arnold, but the ships returned without accomplishing anything save the capture of a 50-gun ship, the *Romulus*, on the way from Charleston to Chesapeake Bay. Washington himself then went to Newport, and on March 6, in conference with the French commanders, persuaded them to send the whole fleet to the Chesapeake with a detachment of troops aboard. Owing to unforeseen circumstances, however, the fleet did not depart until the 8th.*

* On the preparations for this expedition see

Washington now entertained great hope of apprehending Arnold, and ordered Lafayette, should he capture Arnold, to grant him no terms which would save him from the consequences of his crime.* But the delay in the departure of the French fleet frustrated Washington's designs, for the British were afforded an opportunity to repair the damage to their fleet and immediately set out in pursuit of the French. On March 16 the two fleets met off the coast of Virginia and an indecisive engagement occurred, each party claiming the victory. But the English were successful in their object, for they diverted the attention of the French and compelled them to return to Newport without in any way molesting Arnold.†

Tower, *Marquis de LaFayette*, vol. ii., pp. 219-227, 239.

* See Washington's letter to LaFayette, Feb. 20, 1781,—Sparks' ed. of *Washington's Writings*, vol. vii., pp. 417-419.

† Fisher, *Struggle for American Independence*, vol. ii., pp. 451-453; Tower, *Marquis de LaFayette*, vol. ii., pp. 241-242.

While these operations were taking place at the North, Arnold had landed at Westover on the James River, January 4, 1781. In command of the American troops in that part of the State was Baron Steuben, but he was unable to do more than remove the stores from Petersburg to a place of greater security. Immediately upon landing, Arnold marched toward Richmond, quickly dispersing a few regulars who tried to oppose his advance. Upon learning the object of Arnold, Steuben put forth every exertion to save the stores at Richmond and succeeded in removing the greater part across the river and to West Ham, at the head of the rapids.*

There was little opposition to Arnold's entrance into Richmond. With 500 men he halted there and sent forward a detachment under Lieutenant-colonel J. G. Simcoe to West Ham, where a foundry, powder magazine, a boring mill, and a considerable quantity of provisions and military stores were destroyed. Simcoe then returned to Richmond, where the public property, together with large quantities of rum, salt, and other stores were destroyed.† Having completed the work of destruction at Richmond, Arnold returned to

Westover January 7, and on the 10th, after some skirmishing, reëmbarked. He then sailed down the river, on his way destroying the stores at Smithfield and Mackay's Mills.* On the 20th he arrived at Portsmouth, where it was his intention to establish a permanent camp. Arnold states his loss during the entire expedition at 7 men killed and 23 wounded.†

At this time the troops under Baron Steuben were in no condition to take the offensive against Arnold. The American general could only post his troops at convenient places to prevent incursions of the British into the country, and to prevent the loyal element in the population from carrying provisions to the British. While Arnold lay at Portsmouth, Washington was putting forth every effort to capture him, but, as we have seen, the plan failed through the inability of the French to render effective aid.‡ The British now resolved to increase Arnold's force, and about the middle of March sent General Phillips (one of the officers captured with Burgoyne) from New York, in command of 2,000 picked men. Phillips arrived at Portsmouth on the 26th, and being the senior offi-

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 228.

† Carrington, *Battles of the Revolution*, p. 549; Jefferson's letter to Washington in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 199-203; Simcoe, *Military Journal*, p. 161 et seq.; Cooke, *Virginia*, pp. 456-457.

* See Steuben's letter of January 11, 1781, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 203-205; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 237-238.

† Arnold, *Life of Arnold*, pp. 342-343. See also J. Austin Stephens, *LaFayette's Expedition Against Arnold*.

‡ Hildreth, *History of the United States*, vol. iii., pp. 339-341.

cer, took command of the British troops in Virginia.

Phillips wasted no time in beginning offensive operations. He first completed the fortifications at Portsmouth, and then, on April 18, with 2,500 men sailed up the James River in order to destroy everything which

entered Williamsburg without opposition. From that central point he dispatched small expeditions throughout the surrounding country to destroy all public stores and property which could be found. Having completed this work of devastation, he reëmbarked and sailed up the river to

THE SKIRMISH AT PETERSBURG APRIL 25, 1781.



1. Yagers. 2. Four pieces of artillery. 3. British light Infantry. 4. Queen's Rangers. 5. Riflemen. 6. Americans. 7. Second position of Americans. 8. Third position of Americans. 9. Second position of Queen's Rangers. 10. Third position of Queen's Rangers.

might have escaped the ravages of Arnold. He landed at Burwell's Ferry and thence marched to Williamsburg where a small body of militia had assembled to oppose him; but the latter quickly retreated before the superior force, and Phillips

City Point where he landed on the 24th. On the 25th, after attacking and defeating a detachment of troops under Major-general Peter Muhlenburg, he marched to Petersburg, where immense quantities of tobacco and other stores were destroyed, to-

gether with all the ships then lying in the river.* In opposition to the force under Phillips, Baron Steuben had but a few ill-equipped troops and consequently was unable to make any effectual resistance to this ruthless work of devastation. The regular State troops had been sent to reinforce General Greene, and the militia did not exceed 2,000 men, and could scarcely be relied upon to face regular troops. To have hazarded a battle against the trained British soldiers would have been to court defeat, the loss of all arms and accoutrements, and the subsequent discouragement of the whole country. Steuben, therefore, could only sit idly by and see the country devastated without being able to prevent it or to inflict any counter damage. After some slight skirmishing, therefore, he retreated toward Richmond.†

Arnold was now sent to Osborne, a small village on the south side of the James River, a few miles below Richmond; and on April 27 Phillips marched to Chesterfield Court House, which had been appointed a place of rendezvous for the new Virginia levies. At this place he destroyed the barracks and such of the public stores as had not been removed. In addition, he destroyed a number of small

armed vessels lying in the river half way between Osborne and Richmond. These were scuttled and set afire, after which the crews escaped and joined the State militia.* On April 30 Arnold and Phillips marched to Manchester, opposite Richmond, on the south side of the James River, and here also 'destroyed much property.†

At about this time Lafayette arrived from the North to take command of the troops in the State. He had been appointed to command the troops which Washington intended to send against Arnold, but when the naval expedition was abandoned by the French he returned to the head of the Elk where once again he was ordered by Washington to take command of the troops in Virginia.‡ The troops under Lafayette's command had been drawn chiefly from the Northern States, and as it was supposed the campaign would be of short duration, they were ill-equipped for hard fighting, or in fact, any kind of fighting in the southern climate. Furthermore, when the troops learned that the service might be permanent, some deserted; but the great majority, inspired by the example of

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 339.

† See Arnold's report in Arnold, *Life of Arnold*, pp. 345-346; Lossing, p. 340; Jefferson's letter of May 9, 1781, in Ford's ed. of *Jefferson's Writings*, vol. iii., pp. 32-34.

‡ See the two letters dated April 8 and 18 in Sparks' ed. of *Washington's Writings*, vol. viii., pp. 512-513. See also Tower, *Marquis de LaFayette*, vol. ii., p. 247 *et seq.*

* See Arnold's report to Clinton quoted in full in Arnold, *Life of Arnold*, pp. 344-345. See also Muhlenberg, *Life of Major-General Peter Muhlenberg*, p. 248; Tower, *Marquis de LaFayette*, vol. ii., pp. 291-292; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 337-339.

† Kapp, *Life of Steuben*, p. 426.

Lafayette, remained with the army and resolved to brave every danger.* Knowing their condition and realizing the hardships of a campaign in the South, Lafayette sought to encourage the soldiers by purchasing shoes, linen, and other necessities, using his personal credit to secure the money with which to pay for these supplies. His ardor for the American cause stimulated all to further exertions, and the ladies at Baltimore organized a society for making clothes suitable for summer wear in the South.† Lafayette and his troops arrived at Richmond the night before Phillips entered Manchester, but instead of attempting to pass the river in spite of Lafayette, the British general marched back to Bermuda Hundred, destroying valuable property on the way.‡ He then embarked his army and sailed down the river as far as Hog's Island, where the van of his fleet arrived on May 5.||

Immediately upon his arrival, and after he had discovered the retreat of the British, Lafayette sent out small parties to harass them and to watch their movements, while he him-

self established headquarters behind the Chickahominy, some distance from Richmond. On May 7 General Phillips received instructions from Cornwallis to march toward Petersburg for the purpose of forming a junction with the British troops in that province.* Accordingly, he immediately returned up the river, landed one division at Brandon, and another at City Point, and on May 9 the two divisions met at Petersburg. So sudden and unexpected was their arrival that some of Lafayette's officers, who had been sent to Petersburg to collect boats for conveying Lafayette's troops across the river, were taken prisoners.† In the meantime General Phillips had been taken sick, and on reaching Petersburg was in no condition to command the troops.‡ He rapidly declined, and on May 13 died, the command of the troops then devolving on Arnold until the arrival of a superior British officer.||

Meanwhile, in December, 1780, General Greene had taken command of the southern army, which at that time consisted of about 2,300 effective men, ill trained, without arms, ammunition, and other necessities, and totally unfit to successfully oppose

* Carrington, *Battles of the Revolution*, p. 586.

† Bancroft, vol. v., p. 506; Tower, *Marquis de LaFayette*, vol. ii., p. 280 *et seq.*

‡ Lossing, *Field-Book of the Revolution*, vol. ii., p. 340.

|| See Jefferson's letter of May 9, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 307-309; Arnold's report in *Arnold Life of Arnold*, p. 346; Simcoe's *Military Journal*, p. 199 *et seq.*; LaFayette's reports to Greene, etc., quoted in Tower, *Marquis de LaFayette*, vol. ii., pp. 293-296.

* Tower, *Marquis de LaFayette*, vol. ii., pp. 305-306.

† Carrington, *Battles of the Revolution*, p. 591; Arnold's report in *Arnold, Life of Arnold*, p. 346; Simcoe's *Military Journal*, p. 204.

‡ Arnold, p. 347.

|| Lossing, *Field-Book of the Revolution*, vol. ii., pp. 340-341.

the march of the superior force under Cornwallis.* Greene fully realized the responsibility of his position and how much was expected of him. Though he knew the danger of his situation at the present time, he nevertheless took the risk of dividing his forces, placing one division under General Morgan, and the other under General Huger, with the whole subordinate to himself. In this way he could more closely watch the movements of the enemy, and more effectively harass him at every turn; while on the other hand, if he kept his forces intact, he could no more effectually oppose Cornwallis.† Under Morgan's general supervision, therefore, Greene placed 320 infantry under Colonel John Eager Howard, about 200 riflemen under Major Triplett, and about 80 light dragoons under Colonel William Washington.‡ Morgan was then dispatched to the south of the Catawba to watch and annoy the enemy at Wynnsborough and Camden, though he was cautioned to use every precaution against surprise. On December 25, 1780, Morgan took a position toward the western frontier of South Carolina, about fifty miles northwest of Wynn-

borough and not far from the confluence of the Pacolet and Broad rivers.*

On December 20 Greene left Charlotte with the other division of the army, arriving at Hick's Corner, on the east side of the Peedee, opposite the Cheraw Hills, about seventy miles northeast of Wynnsborough, on December 29. He had marched to that place with the hope that the troops would find more plentiful subsistence; but after remaining there for some time he found that his burdens in this respect were not much lightened, as the destructive warfare carried on between the Whigs and Tories of that section had completely laid waste the whole country.† While in this position, however, he did not remain inactive. On December 27 he detached Colonel Washington with his cavalry and about 200 militia, who after marching 40 miles, surprised a body of Tories near Ninety-Six. Exasperated by the recent outrages on the part of the British, the Continentals fell on the Tories with uncontrollable fury and slaughtered the entire party without losing a single man.‡ As a result of this expedition, Cornwallis was unable at any subsequent time to persuade a large body

* See his letter to Washington in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 165-168; also F. V. Greene, *Life of Greene*, p. 174 et seq.

† See G. W. Greene, *Life of General Greene*, pp. 108-116; Graham, *Life of General Morgan*, pp. 258-259.

‡ Carrington, *Battles of the Revolution*, p. 532; F. V. Greene, *Life of Greene*, pp. 183-184

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 431.

† See Greene's letter to Washington in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 189-192.

‡ Graham, *Life of Morgan*, p. 262; G. W. Greene, *Life of Greene*, vol. iii., p. 135; Carrington, *Battles of the Revolution*, p. 541.

of Tories to take the field against the Americans. At about this time, Colonel Andrew Pickens and Major McCall, with 260 mounted troops, arrived in camp from the Carolinas.

Cornwallis had determined to await reinforcements under General Leslie before he began offensive operations, but the manœuvres of Morgan in the vicinity of Ninety-Six had alarmed him. On January 1, without awaiting the arrival of reinforcements, he sent Tarleton in command of 1,000 men to annihilate Morgan's force, no doubt being entertained of his ability to accomplish this.* When Tarleton arrived at Ninety-Six he found everything quiet, as the Americans had retired after some slight skirmishing. He then determined to march against Morgan in the hope of surprising him or at least of driving him beyond the Broad River. Cornwallis approved of the design and resolved to aid Tarleton by ascending the left bank of the Broad River, thus menacing Morgan's rear. At first everything prospered with the British. Having passed the Ennoree and the Tiger, Tarleton pushed along the banks of the Pacolet. Morgan retreated before Tarleton, and the pursuit was pressed with unabated vigor. Realizing that it would be extremely dangerous to ford the river with an enterprising enemy hanging upon his rear, and believing that his men

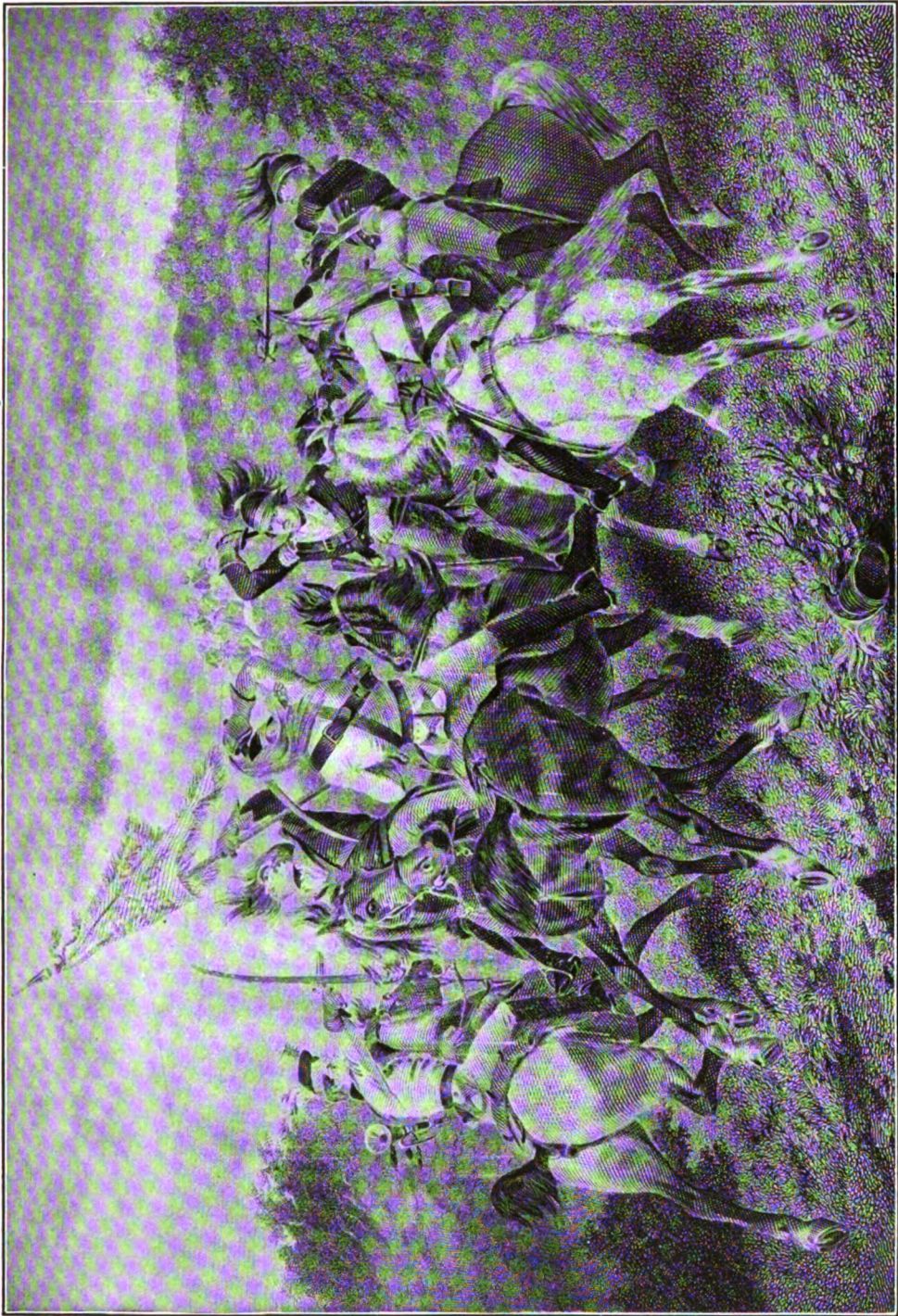
would stand against the British, Morgan determined to face about and engage Tarleton in battle. In order to make his men fight more desperately, he placed them so that their retreat was cut off, thus forcing them to fight for their lives. As Morgan said: "When men are forced to fight, they will sell their lives dearly."*

Morgan took a position at Cowpens, about 6 miles from the Broad River, feeling certain that the 1,000 men under him would defeat the forces under Tarleton. On the morning of January 17, Morgan formed his troops in two divisions; the first, composed of militia under Colonel Pickens, was placed in front of a wood and in view of the enemy; while the second, composed of marksmen and old Continental troops under command of Colonel Howard, was concealed in the wood itself. Beyond the second division, and acting as a reserve, was the cavalry under Colonel Washington.† Tarleton's army was formed in two divisions, the infantry composing the centre of each while the cavalry, which was much superior to the Americans, was on the flanks. Though Tarleton's troops were fatigued by their long march in

* See Morgan's letter quoted in Carrington, *Battles of the Revolution*, p. 543; Fisher, *Struggle for American Independence*, vol. ii., p. 384.

† Fiske, *American Revolution*, vol. ii., pp. 253-254; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 433-434.

* F. V. Greene, *Life of Greene*, p. 185 et seq.

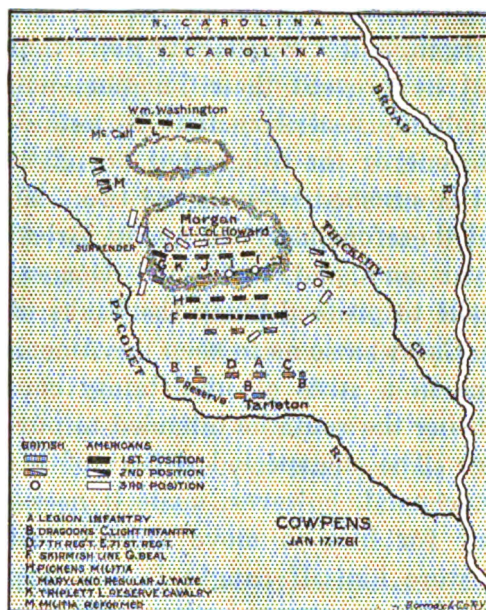


THE BATTLE OF COWPENS — CONFLICT BETWEEN COLONELS WASHINGTON AND TARLETON

pursuit of Morgan, still they were eager for battle.*

When the action commenced, the British rushed impetuously toward the front line of American marksmen, which, after a single fire, retired toward the militia under Pickens. The British then furiously attacked the militia, who were finally compelled to give way and seek shelter with the reserve behind the hill. Tarleton considered the battle almost won, and his troops eagerly pressed forward, but the reserve met the onslaught with great firmness, and an obstinate conflict ensued. Tarleton immediately ordered up his infantry and cavalry reserves and almost succeeded in breaking the American line. To protect the right flank, Colonel Howard at this time ordered a retrograde movement, and the British, thinking this the beginning of the American retreat, rushed forward to begin the rout. On reaching the top of the hill, however, Howard ordered his men to wheel about and face the enemy, who now encountered a well-directed and deadly fire. The British were thrown into utter confusion by this wholly unexpected and destructive fire, and observing the disorder in their ranks, Howard ordered a bayonet charge. His troops promptly obeyed and the British line was soon broken.† About the same time, the

cavalry under Washington had routed the cavalry on the British right, Washington himself charging the enemy, sword in hand. The struggle was of short duration and resulted in the total defeat of the British. Remembering the odious nature of "Tarleton's quarter," so deeply impressed upon the minds of many of the troops, it was only with the greatest difficulty that the officers pre-



vented the troops from taking vengeance on the British now in their power.* Tarleton and a portion of his force escaped,† but more than 200

* Fisher, *Struggle for American Independence*, vol. ii., p. 385.

† It was to this redoubtable colonel that Mrs. Ashe, a spirited North Carolina lady, made a keen reply, when, at a later date, Tarleton said he had a great desire to see Colonel Washington. He was calling with Cornwallis, at the time, at Colonel Ashe's residence, when he ventured to say what he did. "If you looked behind you, sir, at the battle of the Cowpens, you would most certainly have seen him!"

* Fisher, *Struggle for American Independence*, vol. ii., p. 385.

† Carrington, *Battles of the Revolution*, p. 544; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 434-435.

of the British were killed and wounded, and about 600 captured. The American loss was 12 killed and 61 wounded.* This victory seriously crippled Cornwallis' movements during the remainder of the campaign.

Meanwhile Cornwallis had been waiting favorable news from Tarleton at Turkey Creek, about twenty-five miles distant from Cowpens. At this time he was between the two American armies under Greene and Morgan, and it was highly important that he prevent their junction, and absolutely necessary that he annihilate one or the other that he might not be crushed between the two. He had therefore marched up the Broad River and had instructed General Leslie to proceed along the banks of the Catawba so as to keep the Americans in a state of uncertainty concerning the route he intended to pursue. The unexpected defeat of his detachment, however, made it necessary for him to move quickly lest he were himself caught in the trap prepared for the Americans.† In his present position, Cornwallis was nearer the fords of the Catawba than Morgan, and he hoped that by mak-

ing a forced march he would be able to overtake Morgan before he could pass the river. He therefore joined his forces with those under Leslie and started in pursuit of Morgan, destroying all superfluous baggage and retaining only those wagons which were necessary to transport provisions, ammunition, etc.* Nevertheless, his exertions were in vain, for Morgan was not to be thus easily caught, and had displayed as much prudence and sagacity after the victory as he had before. After defeating Tarleton, Morgan lost no time in setting his army in motion. Sending off the prisoners, and leaving behind the wounded, he crossed the Broad River and on January 28 reached the Catawba, which was safely passed the next day. Hardly had the last of his men gained the opposite bank when the van of the British army appeared. As the night was now approaching, Cornwallis was obliged to postpone the passing until the next morning. This was most unfortunate for him, as during the night a heavy rain fell, rendering the ford impassable, and before the water had subsided sufficiently for him to cross three days had passed.†

General Greene had been extremely anxious as to Morgan's fate, and had determined to ascertain for himself the exact conditions. Leaving his

* Fiske, *American Revolution*, vol. ii., pp. 254-255; Hildreth, vol. iii., pp. 341-343; Tarleton, *The Campaign of 1780-81*, pp. 221-227, 255-258; Bancroft, vol. v., pp. 480-485; Myers, *Cowpens Papers*; Lee's *Memoirs*, vol. i., pp. 255-266; F. V. Greene, pp. 188-190; Johnson, *Life of Greene*, vol. i., pp. 368-387; G. W. Greene, *Life of Greene*, vol. iii., p. 147; Graham, *Life of Morgan*, pp. 290-312; Gordon, *American Revolution*, vol. iv., p. 33 (ed. 1788).

† Greene, *Life of Greene*, p. 186.

* Bancroft, vol. v., p. 486.

† See Greene's letter in Sparks, *Correspondence of the Revolution*, vol. iii., p. 225.

army under command of Huger* to follow him with all possible dispatch, he set out, accompanied by but a few attendants, to join Morgan.† On January 30, but a day or so after Morgan had succeeded in eluding the pursuit of Cornwallis, Greene arrived at Morgan's camp and took full charge of the army. At this time the river had subsided sufficiently for Cornwallis to attempt the passage, and he accordingly did so. He was attacked by a body of militia under General Davidson,‡ but succeeded in effecting a passage of the river. In the skirmish between the two armies General Davidson was mortally wounded.||

* Greene gives a good idea of the condition of the army at this time in a letter to General Sumter. He says: "More than half our members are in a manner naked; so much so that we cannot put them on the least kind of duty. Indeed there is a great number that have not a rag of clothes on them except a little piece of blanket, in the Indian form, around their waists."—Carrington, *Battles of the Revolution*, p. 547.

† F. V. Greene, *Life of Greene*, pp. 193–194.

‡ Carrington, *Battles of the Revolution*, p. 551; Gordon, *American Revolution*, vol. iv., p. 39 (ed. 1788); G. W. Greene, *Life of Greene*, vol. iii., p. 155; Johnson, *Life of Greene*, vol. i., p. 416; Stedman, *American War*, vol. ii., p. 328; Sparks, *Correspondence of the Revolution*, vol. iii., p. 226; F. V. Greene, *Life of Greene*, pp. 195–196.

|| An anecdote illustrative of the patriotism of the women of the Revolution deserves to be told here. General Greene, greatly grieved at the loss of Davidson, was retreating toward Salisbury. He had ridden all day through rain and storm, and, wearied and exhausted, his garments soiled with mud from the road, he alighted at the door of the principal hotel, kept by Mrs. Elizabeth Steele. In reply to the greeting of Dr. Reed, who anxiously inquired after his

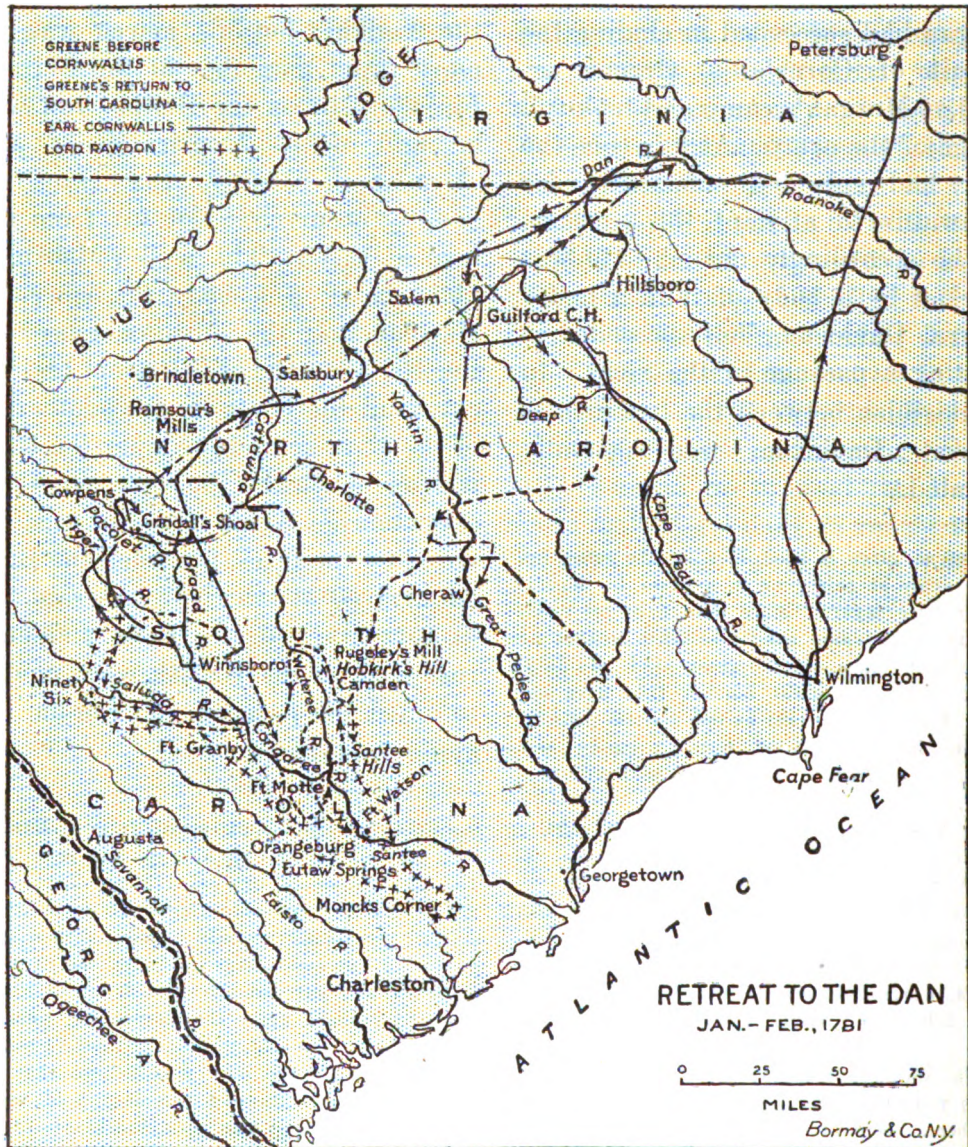
The race between the retreating Americans and the pursuing British was now becoming exciting. So rapidly did General Greene march that by February 3 he had crossed the Yadkin; but his march was no more rapid than that of the British, for many times the British van was in sight of the American rear, and skirmishes between the two frequently occurred. Not far from the ford at the Yadkin, a skirmish took place between a body of American riflemen and the advance guard of the British. General Greene had secured all the boats on the south side of the river so as to hamper the British as much as possible in their operations. Again Greene was favored by the fates, for when the British arrived at the river, the rain fell in torrents and the river suddenly rose so that the British were unable to effect the passage and pursue the flying Americans.*

health, Greene could not refrain from exclaiming that he was "tired out, hungry, and penniless." The good landlady overheard the remark, and while Greene was obtaining refreshment, she entered the room, carefully closed the door, and producing two small bags of specie, the earnings of years, and particularly valuable at that day, she urged them upon the desponding general. "Take these," she said, "you need them; I can do without them." We may well believe that encouragement like this, of the deep hold which our country's liberty had upon the hearts of the people, was appreciated by such a man and such a patriot as Greene.

* F. V. Greene, *Life of Greene*, pp. 195–196; Bancroft, vol. v., pp. 486–487; Fisher, *Struggle for American Independence*, vol. ii., pp. 394–395; Greene's letter in Sparks, *Correspondence of the Revolution*, vol. iii., p. 226.

Perceiving that his attempt to annihilate Morgan's force was completely frustrated, Cornwallis furiously bombarded the American en-

small cabin. In this General Greene had taken up his quarters, and while his family and some of the staff were amusing themselves as they thought



campment on the other side of the river. "At a little distance down the river," says an eye-witness, "and behind a pile of rocks, was situated a

proper, he was busily engaged in preparing his dispatches. At this time the artillery was playing furiously, but seemed to attract no one's atten-

tion. At length, however, whether from intelligence or conjecture, their rage seemed to vent itself exclusively at our cabin; and the balls were heard to rebound against the rocks, directly in the rear of it. Little more than its roof showed above them, and at this the firing was obviously directed. Nor were they long before striking it; and in a few moments the clapboards were flying from it in all directions. But still the general wrote on, nor seemed to notice anything but his dispatches, and the innumerable applications that were made to him from various quarters. His pen never rested, but when a new visitor arrived; and then the answer was given with calmness and precision, and the pen was immediately resumed."

As the river continued to rise and was therefore unfordable, Cornwallis determined to march up the south bank of the Yadkin for about twenty-five miles where he was informed that there was a ford sufficiently shallow for the army to cross. He thus hoped to cross the river in time to attack General Greene, but the latter had continued the march northward, and on February 7 effected a junction with the division under Huger and Otho Williams near Guildford Court House.* Unwilling to abandon the pursuit, Cornwallis determined to force Greene into a fight before he

could receive reinforcements. He therefore took up his march toward the Dan, that he might prevent the passage of the Americans into Virginia. Morgan was now suffering from a severe attack of rheumatism, and was compelled to relinquish the command in favor of Colonel Williams.* On February 10 Greene left Guildford Court House on his march toward the Dan, and the retreat of the Americans and pursuit by the British was almost equally rapid. The British, however, were compelled to advance with great circumspection and caution, for Greene sent back a body of light troops to delay the British and obstruct their passage. On one occasion, Colonel Henry ("Light Horse Harry") Lee furiously charged the advance guard of the British army, killed a number and took several prisoners.† Greene therefore succeeded in passing the Dan on February 14 without great difficulty, also taking his baggage and stores across the river in safety. His army had marched forty miles on that day, but hardly had the last of the troops reached the northern bank of the river when the advance guard of the British army appeared on the

* Lossing, *Field-Book of the Revolution*, vol. ii., pp. 394-395.

* It is ordinarily supposed that there was a serious personal difference between Greene and Morgan, previous to the latter's retiring from active duty. Mr. Graham devotes several pages to this point, and controverts the general impression. See his *Life of General Morgan*, pp. 366-368.

† Lossing, *Field-Book of the Revolution*, vol. ii., pp. 396-397.

other side.* During this race of more than 200 miles, both armies had suffered exceedingly,† chiefly from want of tents, scarcity of provisions, the heavy rains, bad roads, etc. Having no change of clothing, the Americans were often compelled to march in their wet clothes until the hot sun evaporated the moisture. They were in a far worse condition than the British, who were well provided in every respect and also comfortably housed. Though the Americans were barefoot and many of them in rags, they endured these trials with most patient fortitude.‡

Because of his failure to capture Morgan's force, Cornwallis was greatly disappointed, and instead of continuing to pursue the American army he determined to remain in North Carolina and to collect as large a body of Loyalists as was possible. He therefore went to Hillsborough, where he endeavored to persuade the inhabitants to espouse the royal cause, but his efforts did not

meet with the anticipated success.* Though a large portion of the inhabitants foresaw that the Americans would ultimately triumph and hesitated to manifest any attachment to the British cause, Cornwallis secured considerable numbers of Tory recruits. He sent Tarleton with his legion to the district between the Haw and Deep rivers to encourage a rising of the Loyalists in that section of the country.† Learning that Tarleton had been detached from the main army, General Greene sent Colonel Lee with a body of cavalry across the country to surprise and attack him. Lee soon overtook a body of Tories under command of Colonel Pyle marching to join Corn-

* Fiske, *American Revolution*, vol. ii., p. 257.

† The conduct of the British not only irritated the Whigs but disgusted the Tories. In a letter to Philip Mazzei, July 7, 1781, Madison said: "No description can give you an adequate idea of the barbarity with which the enemy have conducted the war in the southern states. Every outrage which humanity could suffer has been committed by them. They have acted more like desperate robbers or buccaneers than like a nation making war for dominion. Negroes, horses, tobacco, etc., not the standards and arms of their antagonists, are the trophies which display their success. Rapes, murders, and the whole catalogue of individual cruelties, not protection and the distribution of justice, are the acts which characterize the sphere of their usurped jurisdiction. The advantage we derive from such proceedings would, if it were purchased on other terms than the distresses of our citizens, fully compensate for the injury accruing to the public. They are a daily lesson to the people of the United States of the necessity of perseverance in the contest; and wherever the pressure of their local tyranny is removed, the subjects of it rise up as one man to avenge their wrongs and prevent a repetition of them."—Madison's *Works* (Congress ed.), vol. i., p. 49.

* G. W. Greene, *Life of Greene*, vol. iii., chap. x.; Johnson, *Life of Greene*, vol. i., pp. 408–413; Fisher, *Struggle for American Independence*, vol. ii., pp. 397–400; Gordon, *American Revolution*, vol. iv., pp. 43–46 (ed. 1788); Greene's letter of February 15, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 233–236; F. V. Greene, *Life of Greene*, pp. 200–202.

† General Greene's military genius was strikingly displayed in the conduct of his celebrated retreat. "You may be assured," were Washington's words, "that your retreat before Cornwallis is highly applauded by all ranks, and reflects much honor on your military abilities."—Bancroft, vol. v., p. 490.

‡ F. V. Greene, *Life of Greene*, pp. 202–203.

wallis. The Tories, supposing Lee's cavalry to be Tarleton's troops, immediately declared their attachment to the royal cause, crying "Long live the king!" This only tended to further exasperate the American soldiers, and between 200 and 300 of the Tories were killed and the survivors taken prisoners.* A similar occurrence took place shortly afterward, when Tarleton also met a body of Tories, and thinking them to be American troops and without ascertaining whether they were friends or enemies, slaughtered them without mercy. Before Tarleton had time to engage in battle with Lee, he was recalled to Hillsborough by Cornwallis.†

Having received a reinforcement of Continentals and militia, Greene's army now numbered about 4,500.‡

* Lee's *Memoirs*, vol. i., pp. 302-312; Johnson, *Life of Greene*, vol. i., p. 453; G. W. Greene, *Life of Greene*, vol. iii., pp. 182-183; F. V. Greene, *Life of Greene*, pp. 206-208; Carrington, *Battles of the Revolution*, p. 554; Gordon, *American Revolution*, vol. iv., p. 48 (ed. 1788); Tarleton *Campaign*, pp. 230-233, 265; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 384-387; Greene's letter of February 28 to Washington in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 244-247 and Jefferson's letter in *ibid.*, pp. 257-259.

† Bancroft, vol. v., p. 491; F. V. Greene, *Life of Greene*, p. 208.

‡ An interesting letter from Abner Nash, Governor of North Carolina and Member of the Continental Congress, to General Greene, May 24, 1781, gives an account of the deplorable condition of affairs in his State at that trying period. Nash writes:

"All my endeavors to raise the militia even to obstruct the march of Lord Cornwallis through this State proved in vain. I was myself in their front most of the way, but able to effect nothing.

As his army was numerically superior to the British, who numbered about 2,300,* he decided to force the fighting, and with that purpose in view recrossed the Dan into North Carolina. He then marched toward Cornwallis, who had taken post at Guildford (or Guilford) Court House. The armies met on March 15. For a few moments all proceeded well; but very shortly the North Carolina militia became panic stricken and fled in hopeless confusion from the field. Greene says that "none fired more than twice and very few more than once, and nearly one-half not at all."† The Virgin-

ing. They have now passed over Roanoke into Virginia, where the joined enemy are greatly an overmatch for the Marquis [Lafayette]. His force is not only small, but he mentions in his letter of the 15th that he knows nothing of the Pennsylvania troops.

"The Virginia Militia are for the present fresh and spirited, and I hope they will prove of great support to the Marquis. Our militia, especially of the lower parts, are good for nothing. I congratulate you, sir, on your success against the enemy to the southward, their being compelled by the judicious methods you took to abandon their strong posts in the heart of the country.

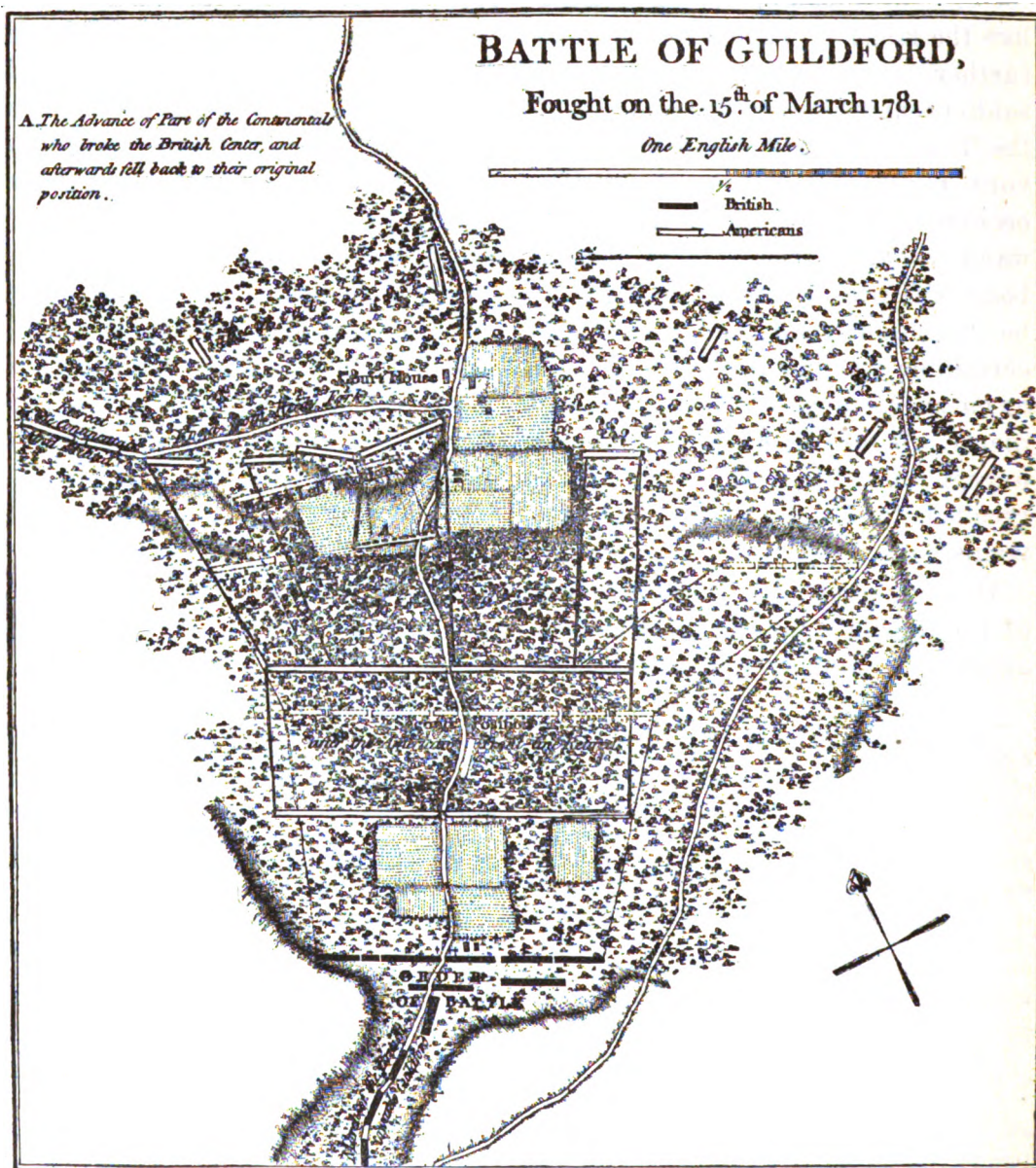
"The Marquis is very public spirited and disinterested. He wishes me to have much more at heart the reinforcing you than himself. Great numbers have taken protection on parole of Lord Cornwallis on his march through the country, and parties of robbers commanded by officers of his commissioning, are ranging through the country committing murders, robberies, and every species of enormity. Could you permit General Sumner to remain a while to assist in punishing the guilty and in recovering Wilmington, it would be of the greatest consequence to this poor, distressed, and wretched country."

* See the tables in F. V. Greene, *Life of Greene*, pp. 213, 215.

† See his letter of March 18, in Sparks, *Correspondence of the Revolution*, vol. iii., p. 266.

ians, however, stood their ground like veterans, and had they been sustained by the Maryland regiment

American side.* But whatever advantage the Americans may have had in the beginning by reason of



with equal intrepidity, probably the victory would have rested on the

numbers, was lost in effectiveness when the battle actually began. The conflict raged for about two hours,

See also F. V. Greene, *Life of Greene*, pp. 218-219; Lossing, *Field-Book of the Revolution*, vol. ii., p. 403.

* Fisher, *Struggle for American Independence*, vol. ii., pp. 407-408.

and was furiously contested, some of the cannon being captured and recaptured several times. Finally Greene was compelled to retire from the field. Retreating in good order, he reached Speedwell Iron Works, about ten miles distant, the same day. The American loss in this battle was close to 1,300 killed, wounded and missing. The British loss was more severe, one-third of the troops having fallen, while a number of their most efficient officers were killed.*

Cornwallis claimed that this battle was a British victory, yet no permanent advantage accrued to him, for his army had been very much diminished and the fear of it throughout the province had been greatly lessened. Furthermore, Greene's army was gradually increasing by the addition of volunteers, so that it was impossible for Cornwallis to assume the offensive. While Cornwallis took all the credit of the victory, he did not follow it up by pursuing the retreating foe. On the contrary, the means of subsistence in that part of the country were so meagre that three days after the battle he himself began to retreat, leaving a number of wounded, who

could not be removed, in the Quaker Meeting House.

The position of affairs was now entirely reversed. Instead of being pursued, Greene became the pursuer. Though compelled to retire from the field of action a few days before, he set out in pursuit of the supposed victor and his army, and for a time harassed the British army on its march to Wilmington. On April 5 Greene changed his plans and moved toward Camden, where the British army was stationed under Lord Rawdon.* On the morning of April 20 he came in sight of the British works at Logtown and encamped.† On April 7 Cornwallis halted at Wilmington and was undecided as to whether he should proceed to the relief of Rawdon or continue the march into Virginia. He decided upon the latter course, and, having refreshed his troops, set out on April 25 and reached Petersburg a month later, there taking command of the British forces in Virginia.

At this time the British held several important posts in the South—Charleston, Ninety-Six, Augusta, and Camden, where Rawdon then was. It

* Bancroft, vol. v., pp. 491-495; Fiske, *American Revolution*, vol. ii., pp. 258-260; Carrington, *Battles of the Revolution*, pp. 556-565; Lee's *Memoirs*, vol. i., pp. 339-358; Johnson, *Life of Greene*, vol. ii., pp. 1-26; F. V. Greene, *Life of Greene*, pp. 216-229; G. W. Greene, *Life of Greene*, vol. iii., pp. 204-207; Gordon, *American Revolution*, vol. iv., p. 54 (ed. 1788); Lossing, *Field-Book of the Revolution*, vol. ii., pp. 399-406;

Stedman, *American War*, vol. ii., p. 346; Tarleton, *Campaigns*, pp. 270-279; Lowell, *Hessians in the Revolution*, pp. 267-270; Jefferson's letter of March 21, 1781, to the President of Congress, in Ford's ed. of *Jefferson's Writings*, vol. ii., pp. 505-506.

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 407.

† Fisher, *Struggle for American Independence*, vol. ii., pp. 424-426; Lossing, p. 471.

had been also necessary to maintain garrisons at several other unimportant places, for the inhabitants were so disaffected that the British were compelled to divide their forces in order to maintain communication between the various posts and to secure supplies for their subsistence. The disaffection of the people was still more noticeable when news was received of the defeat of Cornwallis. Hundreds of the inhabitants flocked to the standards of Sumter and Marion, who by bold and prudent movements continually gained advantages over the royalists. So numerous and so powerful did these partisans become that they were able to hold in check the whole of lower Carolina, while Greene with his army faced Rawdon in the highlands. Finding himself in a dangerous position, Rawdon called in the troops from the surrounding outposts and prepared to make the best defence possible.

While Rawdon awaited the arrival of reinforcements under Colonel Watson, General Greene entrenched at Hobkirk's Hill, about a mile north of Camden. On April 25 Rawdon received information from a deserter which induced him to venture an attack upon Greene's forces. He therefore marched by a circuitous route and gained the American left before his approach was discovered.* Thus the American troops were sur-

prised, but before the British could gain material advantage Greene had the army in battle array and eager for fight. He quickly perceived that the British were advancing in a solid but not extended column, and he therefore ordered a simultaneous attack on both flanks and in front. The engagement soon became general and was furiously fought throughout. The superior discipline of the British troops prevailed, however, and Greene was compelled to order a retreat, though all the baggage artillery, provisions, etc., were saved. The British loss in killed, wounded and missing was 258, and the American 271.* The victory at Hobkirk's Hill was of no permanent advantage to the British, for Rawdon, lacking cavalry, was unable to pursue Greene.

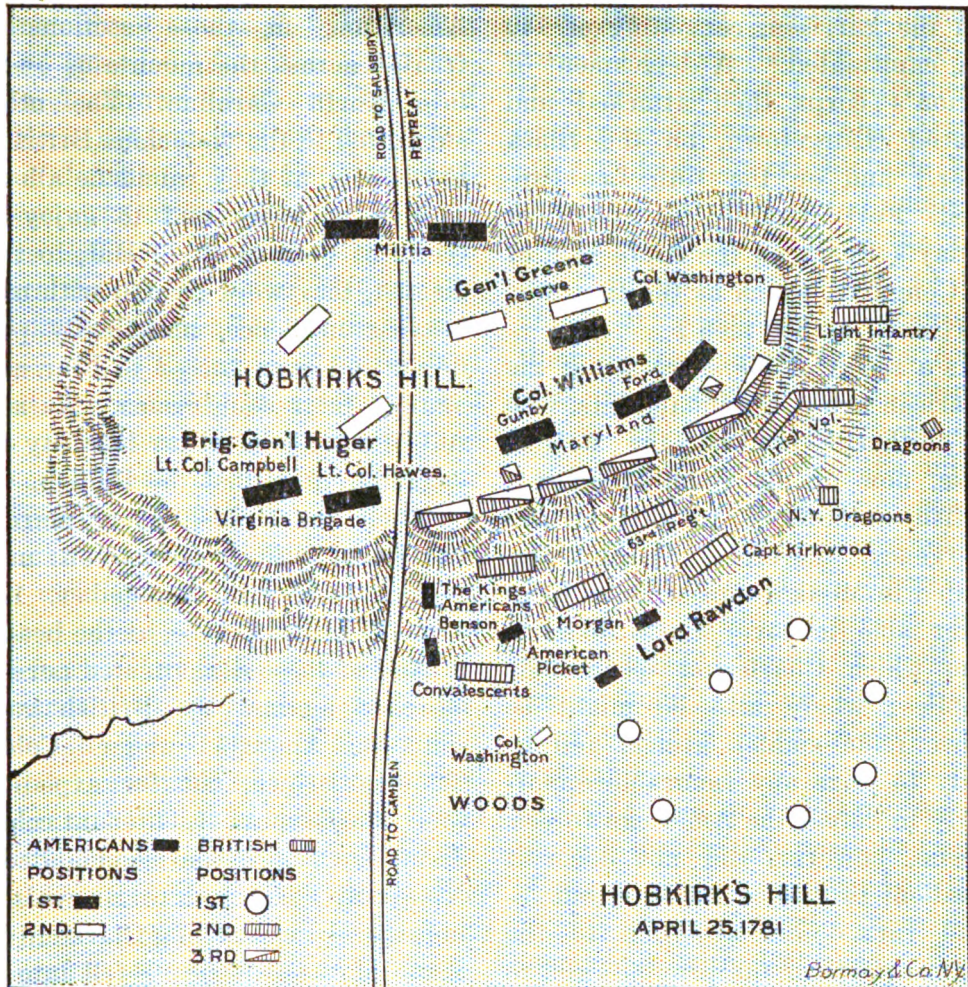
Greene retreated only about twelve miles to Rugeley's Mills, and from that position very closely watched Rawdon. He also dispatched troops to Marion, so that the latter might obstruct the progress of Watson in every way possible. Watson reached Camden on May 7 and Rawdon thereupon determined to attack Greene, but after a careful reconnaissance of Greene's position, he abandoned this

* F. V. Greene, *Life of Greene*, p. 239.

* Bancroft, vol. v., pp. 498-499; Carrington, *Battles of the Revolution*, pp. 570-574; Lee's *Memoirs*, vol. ii., pp. 54-67; Tarleton, *Campaigns*, pp. 460-470; G. W. Greene, *Life of Greene*, vol. iii., pp. 239-260; Johnson, *Life of Greene*, vol. ii., pp. 72-95; Gordon, *American Revolution*, vol. iv., p. 81 (ed. 1788); F. V. Greene, *Life of Greene*, pp. 239-241; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 472-474.

project.* Rawdon was now in a critical situation, and he deemed it wise to evacuate Camden. Accordingly, on May 10, having burned some houses, mills, and stores, he began

city, several of the British posts fell in rapid succession. On May 11 Sumter captured Orangeburgh, together with 80 men and several officers.* On April 23 Marion and Lee,



to retreat toward Charleston.† Immediately after the evacuation of the

after having taken Fort Watson,† crossed the Santee and marched

* Fisher, *Struggle for American Independence*, vol. ii., pp. 428-429; F. V. Greene, *Life of Greene*, p. 243; Lossing, pp. 474-475.

† See Greene's letter of May 14, in Sparks, *Correspondence of the Revolution*, vol. iii., p. 310; Lossing, p. 475.

* See Greene's letter of May 14, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 310-311.

† For details see F. V. Greene, *Life of Greene*, pp. 233-237; Horry and Weems, *Life of Marion*, pp. 264-268; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 472, 500-502.

against Fort Mott on the other side of the Congaree, a little above its confluence with the Wateree. On May 8 this place was invested by Marion and Lee, and so vigorously was the siege conducted that on the 12th the garrison, consisting of 140 men, capitulated.* A detachment of Marion's corps then attacked and reduced Georgetown, on the Black River,† and on the 15th Lee captured Fort Granby, a post at Friday's Ferry on the south side of the Congaree, which at the time was garrisoned by 350 men.‡

As a result of the successes of the American army, the inhabitants, who had hitherto favored the British cause, now openly revolted against British authority. In this critical emergency, therefore, Rawdon retreated to Monk's Corner so as to be better able to cover those districts from which Charleston secured its supplies; where also he might be secure from sudden attack, and be ready to seize any favorable opportunity to defeat the American forces. Greene, however, did not deem it expedient to pursue Rawdon, but instead turned his attention to the western parts of the province and to the upper posts in Georgia. He

ordered Pickens to assemble the militia of Ninety-Six, and after Fort Granby had surrendered, sent Lee to join him.* In 1780, when the British had overrun Georgia and South Carolina, the greater part of the Americans in those sections retreated across the mountains or fled into North Carolina. The others submitted to the victorious British in the hope that they would be allowed to live in peace and to enjoy the fruits of their labors. But, to their disgust, they were treated with overbearing insolence, mercilessly plundered and even forced to bear arms against their countrymen. As a result, a feeling of bitter hostility was engendered against the British.

When the British army marched northward, this spirit soon manifested itself. In September, 1780, Colonel Elijah Clarke, at the head of a band of these discontented persons, marched against the British garrison at Augusta under Colonel Thomas Brown, but the expedition was abortive, as Lieutenant-colonel John H. Cruger, who commanded at Ninety-Six, marched to Brown's relief, thereby compelling Clarke to flee. Some of the Americans fell into the hands of Colonel Brown and were severely treated.† Nevertheless, this first failure did not extinguish the ardor for the American cause, and

* Sparks, p. 311; Horry and Weems, *Life of Marion*, pp. 269-271; Lossing, pp. 479-481.

† Horry and Weems, *Life of Marion*, pp. 238-239.

‡ Lee's *Memoirs*, vol. ii., pp. 68-87; Bancroft, vol. v., p. 500; Fisher, *Struggle for American Independence*, vol. ii., pp. 429-431; Tarleton's *Campaigns*, pp. 473-479; Lossing, pp. 482-483.

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 483.

† Lossing, *Field-Book of the Revolution*, vol. ii., pp. 509-510.

numerous armed parties prowled about the vicinity, keeping the garrisons at the various British posts in a constant state of fear and alarm. One of these bands under Captain McCoy infested the banks of the Savannah River and captured the supplies intended for the garrison. Colonel Brown sent a body of soldiers against McCoy, but these were defeated. Shortly afterward, however, Colonel Brown sent a force sufficient to completely annihilate the troops under McCoy, and for a time thereafter the band was dispersed. McCoy was afterward mortally wounded in a combat, and his son was captured by Brown and hung.* These desultory encounters were followed by more regular movements. General Pickens arrived in the vicinity and took charge of the troops about Augusta. Soon after the fall of Fort Granby, Lee marched towards Pickens' camp, and four days later joined him. Almost immediately an attack was made on Fort Golphin or Dreadnought, at Silver Bluff, on the south side of the Savannah. On May 1 the garrison of 70 men at that place surrendered to Lee's troops, under command of Captain John Rudolph.†

Pickens and Lee now made a joint attack upon Fort Cornwallis, at

Augusta, where Colonel Brown made a most obstinate resistance. The Americans placed their batteries in the most advantageous position, overlooking the fort, two of them being within thirty yards of the parapet; from these the American riflemen picked off every soldier in the garrison who showed himself, thereby greatly reducing it. On June 5, after undergoing considerable hardships, the garrison to the number of 300 capitulated. During the siege, the Americans lost about 40 men, killed or wounded.* Because of their severe treatment of the Americans prior to this time, the British officers at Augusta had become exceedingly obnoxious to the inhabitants of the surrounding country. After the surrender some unknown person shot one of the officers, and it was only with the greatest effort that Colonel Brown himself was saved from a similar fate. He was sent under a heavy escort to Savannah.†

While Lee and Pickens were reducing the British posts in Georgia, Greene was besieging Ninety-Six, S. C., where Colonel Cruger was in command with 550 men. Rawdon had sent messengers to Cruger with orders directing him to abandon the post and to retire to Augusta, but by some misfortune these messengers did not reach Cruger, and he deter-

* Horry and Weems, *Life of Marion*, pp. 245-247; McCall, *History of Georgia*, vol. ii., p. 305; Lossing, *Field-Book of the Revolution*, pp. 510, 513.

† Lossing, vol. ii., pp. 484-485.

* *Ibid.*, pp. 510-513.

† Lee, *Memoirs*, vol. ii., pp. 88-118; F. V. Greene, *Life of Greene*, pp. 250-251.

mined to hold out at Ninety-Six.* Greene began the investment of the city toward the latter end of May. On June 3, after his approaches had been made in regular order, Greene summoned the garrison to surrender, which was refused. Greene then pushed the siege with vigor, but before he could compel the capitulation of the garrison, Rawdon marched from Charleston with 2,000 men to Cruger's relief. On June 18 Greene ordered an assault, but failed to capture the fort. On the 20th, therefore, learning that reinforcements were approaching the city, Greene crossed the Saluda and began his retreat. Rawdon set out in pursuit, but did not follow for any length of time.† When Greene perceived that the pursuit was abandoned by Rawdon, he immediately stopped his retreat. Rawdon then evacuated Ninety-Six and drew in the garrisons from the surrounding outposts. The loyal inhabitants of the district considered it wise to follow Rawdon's army, as they feared the vengeance of the Americans should they fall into their hands. Rawdon therefore left about half of his force under Cruger to escort the Loyalists

from their homes.* After a few day's stay at Ninety-Six, the British began their march to the Congaree with 800 infantry and 600 cavalry, expecting to be there joined by reinforcements from Charleston. The reinforcements, however, had been delayed in their departure, but as the messenger had been intercepted, Rawdon did not receive word of this delay.†

It was evident that the British commander thought that Greene had been driven out of South Carolina, though as a matter of fact he had simply retreated behind Broad River; and when he heard of the division of the British forces, he faced about and returned toward the Congaree. Shortly after Rawdon arrived at this river, Lee's legion surprised one of his foraging parties and captured about 40 prisoners. Consequently Rawdon was convinced that the American army under Greene could not be far distant, and he retreated toward Orangeburgh, where he arrived in safety and received the expected reinforcements from Charleston. Upon his arrival at the Congaree, General Greene was joined by 1,000 men under Marion and Sumter, and on July 11, deeming his force sufficiently strong to attack the British, marched toward Orangeburgh with that intention; but when he arrived at that post, he found the

* F. V. Greene, *Life of Greene*, p. 249; Lossing, *Field-Book of the Revolution*, vol. ii., p. 484.

† Johnson, *Life of Greene*, vol. ii., p. 139; G. W. Greene, *Life of Greene*, vol. iii., pp. 301-319; F. V. Greene, *Life of Greene*, pp. 251-259; Tarleton, *Campaigns*, pp. 479-502; Lee's *Memoirs*, vol. ii., pp. 96-99, 119-131; Gordon, *American Revolution*, vol. iv., pp. 92-96 (ed. 1788); Lossing, pp. 484-488.

* Fisher, *Struggle for American Independence*, vol. ii., pp. 436-438.

† F. V. Greene, *Life of Greene*, p. 260.

British so strongly entrenched that he considered it unwise to make any attempt at this time.* While there, he was informed that Colonel Cruger had evacuated Ninety-Six and was marching toward Orangeburgh; but as Rawdon commanded the only ford across the river, Greene was prevented from attacking Cruger. He therefore retreated over the Congaree and marched to the high hills of the Santee.†

On July 13 Greene detached Sumter, Marion, and Lee with a body of troops to attack the British outpost at Monk's Corner and Dorchester. Lee captured a considerable quantity of provisions and stores; Sumter attacked the British under Colonel Coates at Biggin's Church, and compelled them to retreat; Colonel Wade Hampton captured 50 prisoners within sight of the British entrenchments at Charleston; and several other similar movements were made.‡ The weather was now becoming extremely warm, and it was impossible to carry on further operations. Greene now put his army into summer quarters, on July 16 reaching the high hills of the Santee, where he remained until August 22. During this

period of inactivity Rawdon obtained leave of absence and embarked for Europe; but before his departure he committed an act of vindictive cruelty which has left an indelible blot upon his name. He had captured Colonel Isaac Hayne, and executed him under circumstances of barbarous cruelty. This aroused much indignation throughout the country, and the American officers had much difficulty in restraining the troops under them from retaliatory measures.* After Rawdon's departure, the command of the troops at Orangeburgh devolved on Colonel Stuart.†

The British had now resumed their station on the south side of the Congaree, and again Greene undertook to force them from their position. Despite the fact that Greene's troops were in wretched condition, the majority miserably clothed and some almost naked, he made a rapid march across the Congaree and Wateree, and was soon afterward joined by General Pickens with the militia of Ninety-Six, and by General Marion with the troops under his command.‡ Early on the morning of September 8, as all the American forces in the

* Fisher, *Struggle for American Independence*, vol. ii., p. 439.

† Lossing, *Field-Book of the Revolution*, pp. 488-489, 567-568.

‡ See Simms, *Eutaw; a Tale of the Revolution*, p. 310 *et seq.*; also Marshall, *Life of Washington*, vol. ii., pp. 13-15; Lee's *Memoirs*, vol. ii., pp. 142-158; F. V. Greene, *Life of Greene*, pp. 261-262.

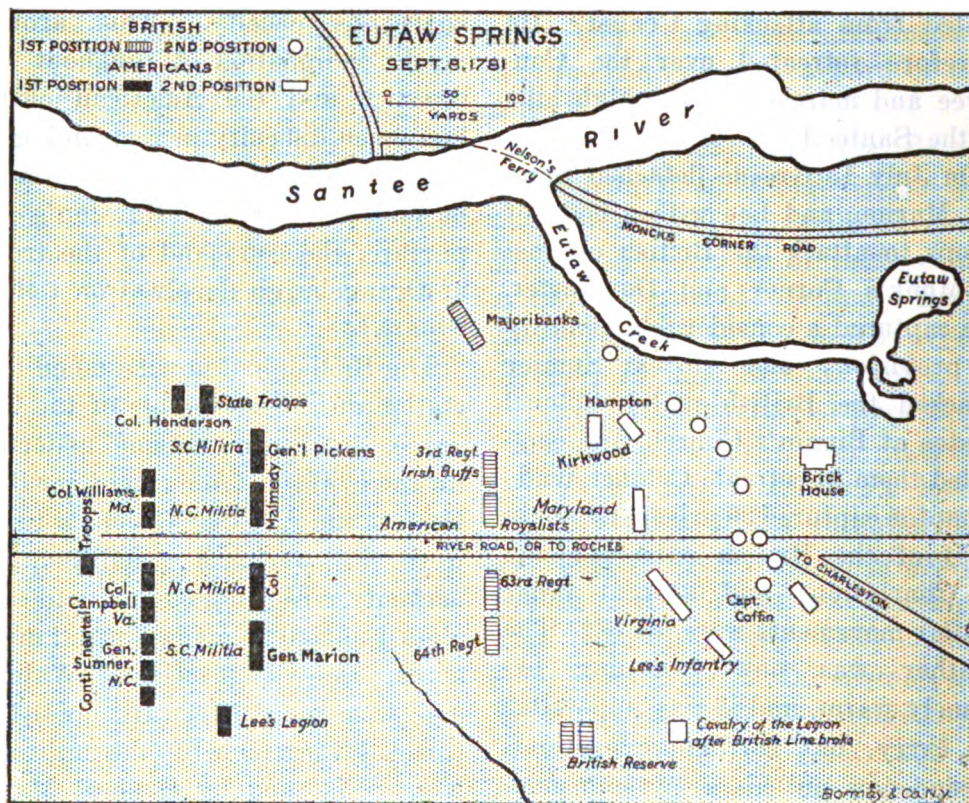
* For a full account of the whole matter, see Gordon, *History of the American Revolution*, vol. iii., pp. 202-205. See also Thacher, *Military Journal*, pp. 285-288; Horry and Weems, *Life of Marion*, pp. 247-253.

† Lossing, *Field-Book of the Revolution*, vol. ii., pp. 490-491.

‡ *Ibid.*, p. 493; Gordon, *History of the American Revolution*, vol. iii., p. 242.

vicinity had now been brought together, Greene proceeded to attack the British army under Colonel Stuart, who had taken post at Eutaw Springs, about sixty miles north of Charleston. The two armies were nearly equal numerically, each con-

colonel Richard Campbell and Colonel O. H. Williams, and consisted of the North Carolina, Virginia and Maryland Continental troops. The right flank was covered by Colonel Lee with his line, while Henderson with the State troops was on the left.



taining about 2,000 men; but the American army consisted for the most part of raw levies and militia. Greene formed his troops in two lines. The first, under command of Marion, Pickens and Colonel de Malmady, consisted of the North Carolina and South Carolina militia. The second was under command of General Jethro Sumner, Lieutenant-

The reserve consisted of Washington with his cavalry, and Captain Robert Kirkwood with the Delaware troops.*

At 4 o'clock in the morning the march was begun. The advance guard had not proceeded far when two parties of British were encoun-

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 494.



THE BATTLE OF EUTAW SPRINGS.

tered and quickly driven back to the main army.* The front line advanced rapidly after this encounter, and soon the action became general all along the line. The Americans were in turn obliged to retreat, but were well supported by Sumner's North Carolina Continentals. During the severest part of the engagement, Greene ordered the Maryland and Virginia Continentals under Campbell and Williams to charge with trailed arms. This was done with unsurpassed courage, in the face of a heavy discharge of cannon balls, and the movement was completely successful. Lee succeeded in turning the left flank of the British, and at the same time attacked them in the rear. Henderson had been wounded early in the action, and Wade Hampton assumed command. He then ordered a charge against the British and took more than 100 prisoners.† The British were routed in all quarters. Washington now brought up the reserve, and his cavalry and Kirkwood's infantry charged so suddenly and unexpectedly that the British had no time to reform their lines and began a hasty retreat. The Americans closely pursued, but on their retreat a considerable number of British occupied a strong brick house, and there resisted the charge of the Americans. The latter impetuously attacked the house, but in the attempt to dislodge

them Washington was wounded, his horse was shot under him, and he was taken prisoner.* The artillery was now placed in position before the house, but so deadly was the fire from the house that the gunners could not properly serve their guns, and Greene determined to abandon the attack.† The Americans collected their wounded and retired to the ground they had occupied in the morning. The action had continued for four hours, and was one of the hottest in which Greene had been engaged. During the evening of the next day, Colonel Stuart destroyed a large quantity of his stores, abandoned the Eutaw, and moved toward Charleston, leaving more than 70 wounded and 1,000 stand of arms on the field. The loss of the British in this action was severe; more than 500 were taken prisoners, including the wounded abandoned upon their retreat, while the killed numbered almost as many. Several of the officers were paroled on the field of battle; two were killed and 16 wounded. The American loss was 114 killed, 300 wounded, and 40 missing, including 22 officers killed and mortally wounded, and 39 others slightly wounded.‡ Among the killed was

* Bancroft, vol. v., p. 503.

† Lossing, *Field-Book of the Revolution*, vol. ii., pp. 495-497.

‡ Carrington gives the total of American casualties as 408 and the British as 693. See *Battles of the Revolution*, p. 582. Lossing, p. 498, makes the British loss the same but places the American loss at 555. See also Johnson, *Life of Greene*, vol.

* *Ibid.*, p. 495.

† F. V. Greene, *Life of Greene*, p. 273.

Lieutenant-colonel Campbell, who received a mortal wound while leading the charge that determined the fate of the battle.* On October 29 Congress voted thanks to General Greene and the army under him, and presented to him a British standard and a gold medal.†

The British now became so alarmed that they burned their stores at Dorchester and evacuated the post at Monk's Corner. The Americans also left the scene of action and retired to the high hills of the Santee. While the British were lying at Monk's Corner, more than 80 prisoners were taken by the Americans within sight of the British encampment. The British seemed to have lost heart at the recent defeat and upon the slightest apprehension of danger displayed the same disposition to retreat as had been previously exhibited by the raw American militia.

The battle of Eutaw Springs practically closed the war in South Caro-

lina. At the beginning of the campaign, the British had been in force all over the State, but when the campaign closed they were proceeding only with the greatest caution, and scarcely dared venture more than twenty miles from Charleston. Naturally, a few incursions were made into the surrounding country and several skirmishes occurred, but none of any importance. Toward the end of November General Greene compelled the British to evacuate the post at Dorchester, and after a slight skirmish the British retired to the vicinity of Charleston. Greene posted his troops on both sides of the Ashley, and completely covered the country from the Cooper to the Edisto, confining the British to Charleston and the vicinity.* The British force in Georgia was concentrated at Savannah. During this campaign General Pickens conducted an expedition against the Cherokee Indians who had been instigated by the British to declare war against the Americans. Pickens was completely successful, and the Cherokees shortly afterward concluded peace.

ii., pp. 220-237; G. W. Greene, *Life of Greene*, vol. iii., p. 388; F. V. Greene, *Life of Greene*, pp. 269-277; Tarleton, *Campaigns*, pp. 508-518; Lee's *Memoirs*, vol. ii., pp. 276-295.

*Thacher, *Military Journal*, p. 291.

†Lossing, *Field-Book of the Revolution*, vol. ii., pp. 497-498.

*F. V. Greene, *Life of Greene*, pp. 283-284; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 569-570.

CHAPTER XXXI.

1781.

CORNWALLIS SURRENDERS AT YORKTOWN.

Operations of Cornwallis — Lafayette in Virginia — Tarleton's attempt to capture Thomas Jefferson — Baron Steuben retreats before Simcoe — Wayne and Lafayette attack Cornwallis — The latter establishes headquarters at Yorktown — Reinforcements received from France — Interview between Washington and the French commanders — The former meditates attack upon New York — March toward the South begun — Allied armies besiege Yorktown — Arnold burns New London — Attack on British works at Yorktown — The surrender — Lafayette's return to France — Border warfare.

Meanwhile Lord Cornwallis had gone to Petersburg, Virginia, supposing that Lord Rawdon would be able to check the advance of General Greene in Carolina. Upon his arrival at Petersburg, Cornwallis learned of the death of General Phillips and here also he received a reinforcement of 1,800 troops sent by Sir Henry Clinton. Cornwallis now thought himself strong enough not only to check the Americans, but also to decisively defeat them, and in a spirit of exultation wrote to the home government regarding Lafayette, saying that "the boy cannot escape me."* At this time Lafayette's army consisted of but 1,200 Continentals and 2,000 militia.† In order to dislodge Lafayette from his position at Richmond, Cornwallis proceeded from Petersburg to the James River, and on May 27 forced Lafayette to evacuate Richmond.‡ Corn-

wallis then marched through Hanover County and crossed the South Anne River, his movements being constantly watched by Lafayette, who awaited a favorable opportunity to strike a sharp blow on the British army. Cornwallis had planned to surprise Lafayette while on the same side of the James River as himself, but his plan was frustrated by an American spy who had been sent to the British camp by Lafayette. This spy was Charles Morgan, a Jersey soldier, who was sent to give Cornwallis false information as to the strength of Lafayette's army, and so successful was he in his mission that Cornwallis abandoned his plan. Morgan safely escaped from the British camp, taking a number of soldiers with him. For this service Morgan refused to receive any compensation.*

At this time Cornwallis received information that a number of the

* Fiske, *American Revolution*, vol. ii., p. 270; Tower, *Marquis de LaFayette*, vol. ii., p. 320.

† Johnston, *Yorktown Campaign*, p. 55.

‡ Carrington, *Battles of the Revolution*, p. 599; and for details of the movements leading up to

this, see Tower, *Marquis de LaFayette*, vol. ii., pp. 308-320.

* Gordon, *American Revolution*, vol. iii., p. 207; Thacher, *Military Journal*, pp. 290-291.

principal men of Virginia had assembled in convention at Charlottesville to regulate the affairs of the province, and that Steuben with a small detachment was lying at Point of Fork, situated at the junction of the James and Rivana rivers, where also was a magazine of arms and ammunition. Cornwallis thereupon determined to capture both the convention at Charlottesville and Steuben's detachment, delegating Tarleton to attempt the first exploit and Simcoe the latter. Both expeditions were in the main successful. Tarleton succeeded in capturing a number of deputies and confiscated a considerable quantity of munitions of war and provisions. But the chief person whom Cornwallis had desired to capture—Thomas Jefferson—had been warned of the approach of the British and had put himself out of their reach.* Before attempting to make his escape, however, he hid his papers, plate, and a large quantity of arms and ammunition.† Simcoe also succeeded in putting Baron Steuben to flight. The latter, supposing he was attacked by the entire British force, considered it best not to risk total annihilation, and hastily retreated.‡

When Tarleton and Simcoe returned from these expeditions, Cornwallis marched toward Richmond, June 17, and a short time after went to Williamsburg, the capital of the State.* His troops, however, were experiencing great difficulty in securing provisions for the army, as Lafayette's watchfulness rendered it impossible for the light troops to make expeditions into the country for supplies. Lafayette had now been joined by Baron Steuben, and had also received a reinforcement of Pennsylvania troops under General Wayne, which brought his army up to about 5,000 men. Thus he was in a position to watch the British movements and to cut off whatever parties of light troops were dispatched into the country for supplies.† At about the same time, Cornwallis was instructed by Sir Henry Clinton to send a portion of his troops to New York. Clinton had been advised of the approach of the allies in that section of the country, and anticipated that he would be attacked in overwhelming force.‡ Because of the insufficiency of his force, he feared that New York, Staten Island, and Long Island would fall in rapid succession

* Ford's ed. of *Jefferson's Writings*, vol. ii., pp. 392-395, 405-409, 422-423, vol. viii., pp. 363-374; Fiske, *American Revolution*, vol. ii., p. 271; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 342-343; Morse, *Thomas Jefferson*, pp. 64-67.

† Parton, *Life of Thomas Jefferson*, pp. 250-253; Carrington, *Battles of the Revolution*, pp. 600-601.

‡ Carrington, pp. 601-602; Tower, *Marquis de*

LaFayette, vol. ii., pp. 330-334; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 258-260, 343.

* Lossing, *Field-Book of the Revolution*, vol. ii., p. 257.

† On the various movements, see Tower, *Marquis de LaFayette*, vol. ii., p. 334 *et seq.*

‡ Bancroft, vol. v., pp. 510-511; Fisher, *Struggle for American Independence*, vol. ii., pp. 465-466.

before the onslaught of the enemy. In obedience to orders, therefore, Cornwallis early in June marched his troops toward the banks of the James River. Having passed this, it was his intention to go to Portsmouth for the purpose of there embarking the troops intended for New York. But Lafayette followed him so closely that he was compelled to halt on the left bank of the river, and to take up a strong position so as to check Lafayette's advance, and at the same time to allow his artillery, ammunition, baggage, etc., to pass to the other side. He therefore established his camp along the river, with a pond covering his right, and his left and centre covered by swamps.*

Meanwhile General Wayne with the American van-guard had approached very close to the British army. The latter sent spies among the Americans to inform them that the bulk of the royal army had already crossed the river, and that only a small rear-guard remained upon the left bank of the river, this rear-guard consisting of the British legion and some few detachments of infantry. It is evident that the American general was completely deceived by this misinformation, for a rapid movement was immediately

directed against the royal troops.* The Pennsylvania troops under General Wayne had passed the swamp, had attacked the left wing of the British, and in spite of the superiority of the enemy, had pushed them back some distance. But the English passed the pond, advanced against the left wing, consisting entirely of militia, and without difficulty dispersed it, then advancing to attack Wayne's left flank. At the same time they extended their own left behind the swamp and turned Wayne's right, and were in a fair way toward completely surrounding it. Lafayette, however, perceived this movement and ordered Wayne to fall back; but the latter, in executing this movement, was forced to leave two cannon in the possession of the British. In order to collect his scattered troops, Lafayette remained for some time at Greene Springs, while Cornwallis re-entered his entrenchments. The approach of night prevented any pursuit of the Americans by the British.†

Before sunrise of the next morning, however, Cornwallis sent a body of cavalry upon the road taken by Lafayette with orders to

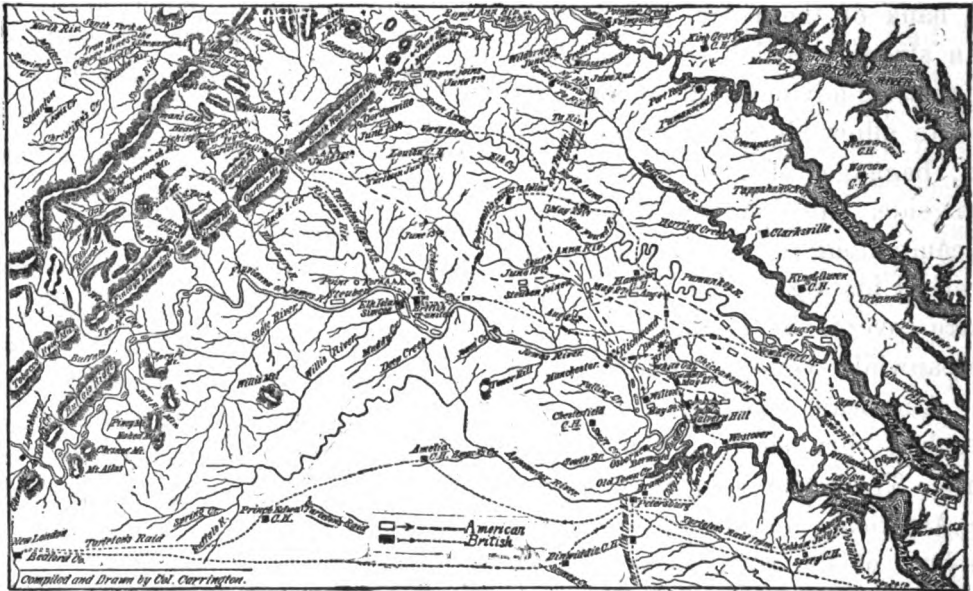
* See Lafayette's letter in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 360-366.

† Stillé, *Wayne and the Pennsylvania Line*, pp. 268-276; Tower, *Marquis de LaFayette*, vol. ii., pp. 357-369; Carrington, *Battles of the Revolution*, pp. 608-609; Fisher, *Struggle for American Independence*, vol. ii., p. 466; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 259-262; Johnston, *Yorktown Campaign*, p. 60 *et seq.*; Lowell, *Hessians in the Revolution*, p. 275.

* Clinton's orders, however, were soon afterward countermanded, because the ministry at home thought Cornwallis had an excellent chance of recovering the South and did not wish to cripple him by withdrawing troops.

overtake the Americans and harass them as much as possible. The only damage inflicted on the Americans was the capture of a few soldiers, though undoubtedly had Cornwallis advanced with his whole force he would have been able to cut off Lafayette entirely.* But Cornwallis was exceedingly anxious to reach Portsmouth so that he might send the

ceeded to embark the troops. At this time he received new instructions from Clinton directing him to retain the troops, to return to Williamsburg, and then to establish headquarters at Point Comfort, so that he might have a safe retreat in case of necessity.* This new plan had been forced on Clinton by two events. He had received a reinforcement of 3,000



Lafayette's Operations in Virginia.

troops requested by Clinton, and accordingly, leaving Lafayette to his own designs, he hastened toward Portsmouth. Upon a careful examination of the place, he became convinced that the position was unsuitable to furthering the ulterior designs of Clinton; nevertheless, he pro-

German soldiers from Europe, and would not require any portion of Cornwallis' army. He also desired to open a passage by way of Hampton and the James River toward that fertile region of Virginia lying between the James and York rivers. After examination, Point Comfort was found to be unsuitable for an entrenched camp, and the British abandoned

* See Gordon, *American Revolution*, vol. iv., pp. 107, 118, 185 (ed. 1788); Tower, *LaFayette*, vol. ii., chap. xxvi.; Lee's *Memoirs*, vol. ii., pp. 222-230, 234; Tarleton, *Campaigns*, pp. 353-356, 400-403.

* Tower, *Marquis de LaFayette*, vol. ii., pp. 407-408.

their plans of fortifying it.* Nevertheless, as it was considered advisable to have some fixed basis of operations, Lord Cornwallis on August 1 resolved to repass the James River and to establish headquarters at Yorktown.†

This village was situated on the right bank of the York River, and opposite lay a small town called Gloucester, built upon a point of land projecting into the river from the left side. At this point the river was very deep and capable of receiving and harboring the largest vessels of war. For a mile in front of Yorktown lay a strip of open level ground, in advance of which was a wood, its left extending to the river and its right being bordered by a creek. On the right of Yorktown flowed a marshy stream. By August 22 Cornwallis had established himself in entrenchments at this place, while Lafayette occupied a position from which he could watch the British movements and prevent foraging in the country.‡

Meanwhile the French court had closely watched the turn of affairs in America, and believing that the time had now come for decisive action, sent a naval force to American waters sufficient to render the French

fleet there vastly superior to the British. They also sent sufficient troops to enable Washington to completely overwhelm the British army. In March, 1781, therefore, François Jean Paul, Count de Grasse, set sail from Brest with 25 ships of the line, several thousand land troops, and a large convoy, the whole fleet numbering about 200 vessels.* A small portion of this force was destined for the East Indies, but de Grasse with the greater part of it sailed for Martinique. The British fleet then in the West Indies, though weakened by the departure of a squadron to protect the ships carrying to England the booty captured at St. Eustatius, attempted to intercept the French fleet under De Grasse; but before the two fleets met, the French had been reinforced by eight ships of the line and one of 50 guns, which had previously been at Martinique and San Domingo. Thus the French had a decided superiority, and the English deemed it unwise to attack. After completing his mission in the Indies, De Grasse set sail for America early in August.

Meanwhile, on August 22, Washington and Knox had gone to Weathersfield, Conn., for the purpose of consulting with Rochambeau regarding plans for besieging New York.† Relying upon the arrival of

* Fisher, *Struggle for American Independence*, vol. ii., p. 469.

† *Ibid*, p. 470. See also Lafayette's letter in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 366-368.

‡ See his letter of August 21 to Washington in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 380-392.

* For details concerning the efforts to secure this aid, see Tower, *Marquis de Lafayette*, vol. ii., chap. xxiv.

† Fisher, *Struggle for American Independence*,

De Grasse, Washington earnestly called for troops from the New England States, hoping that the combined forces would have no difficulty in capturing that city. In June the French troops began to march from Rhode Island, and early in the following month effected a junction with the American army. At the same time, Washington moved his army from their winter quarters at Peekskill to the vicinity of Kingsbridge.* Lincoln fell down the Hudson with a detachment of boats and occupied the position where Fort Independence formerly stood. All the British outposts were now called in to the main encampment at New York.† Washington hoped to begin operations against New York at the latest toward the end of July. He ordered the construction of enough flat-bottom boats to transport 5,000 troops down the Hudson, and had caused ovens to be erected opposite Staten Island for the use of the French troops. He was disappointed, however, in the number of troops received from the New England States; whereas he had expected 12,000, he could hardly muster more than 5,000, a number by no means adequate to carry out the projected siege. He

also learned that De Grasse could not remain on the American coast longer than October 15,* and that instead of coming to the north, his destination was the Chesapeake. Washington therefore suddenly changed his plans, and instead of attacking Clinton at New York, determined to completely surround and capture Cornwallis in Virginia.†

While the plans for the attack on New York were being perfected, the British had somehow captured a letter from Washington giving all the details and particulars concerning the intended operations against the city.‡ But even after Washington's plans were changed, Clinton could not be persuaded that Washington really had designs on Cornwallis, thinking that any movement toward the South was merely a subterfuge to make him unwary in his defence of New York. Therefore, instead of attempting to prevent the passage of the French and American troops to the South, Clinton contented himself with strengthening the defences of New York against the expected attack. Not until the opportunity of striking at the allied armies had passed, did Clinton become convinced that the capture of Cornwallis was the object of the combined forces. Then it was too late for him to make

vol. ii., pp. 476-477; Tower, *Marquis de LaFayette*, vol. ii., p. 381 et seq.; Irving, *Life of Washington*, vol. iv., p. 318 et seq.; Sparks, *Life of Washington*, p. 332 et seq.

* Heath's *Memoirs*, p. 269 et seq. (Abbatt's ed.).

† Thacher, *Military Journal*, p. 257; Irving, *Life of Washington*, vol. iv., pp. 322-323; Tower, *Marquis de LaFayette*, vol. ii., pp. 393-394.

* See his letter quoted in Tower, *Marquis de LaFayette*, vol. ii., pp. 402-403.

† Fiske, *American Revolution*, vol. ii., pp. 274-276.

‡ Fisher, *Struggle for American Independence*, vol. ii., p. 478.

a movement by land, for General Heath had been left in the vicinity to watch Clinton, and if possible to prevent his following the allied forces, or at least to delay him until they had had time to reach Virginia.* Some years later, Washington replied as follows to inquiries regarding his movement:

"A combined operation of the land and naval forces of France in America, for the year 1781, was preconcerted the year before; that the point of attack was not absolutely agreed upon; because it could not be foreknown where the enemy would be most susceptible of impression; and, because we (having the command of the water, with sufficient means of conveyance) could transport ourselves to any spot, with the greatest celerity; that it was determined by me, nearly twelve months beforehand, at all hazards, to give out, and cause it to be believed by the highest military, as well as civil officers, that New York was the destined place of attack, for the important purpose of inducing the eastern and middle states, to make greater exertions in furnishing specific supplies, than they otherwise would have done, as well as for the interesting purpose of rendering the enemy less prepared elsewhere; that, by these means, and these alone, artillery, boats, stores, and provisions, were in seasonable preparation, to move with the utmost rapidity, to any part of the continent; for the difficulty consisted more in providing, than knowing how to apply the military apparatus; that, before the arrival of the Count de Grasse, it was the fixed determination, *to strike the enemy in the most vulnerable quarter*, so as to insure success with moral certainty, as our affairs were then in the most ruinous train imaginable; that New York was thought to be beyond our effort, and consequently, that the only hesitation that remained was between an attack upon the British army in Virginia, and that in Charleston; and finally, that, by the intervention of several communications, and some incidents, which cannot be detailed in a letter, the hostile post in Virginia, from being a provisional and strongly expected,

became *the definitive and certain object* of the campaign.

"I only add, that it never was in contemplation to attack New York, unless the garrison should first have been so far degarnished, to carry on the southern operations, as to render our success in the siege of that place as infallible as any future military event can ever be made. For I repeat it, and dwell upon it again, some splendid advantage, whether upon a larger or smaller scale was almost immaterial, was so essentially necessary, to revive the expiring hopes and languid exertions of the country, at the crisis in question, that I never would have consented to embark in any enterprise, wherein, from the most rational plan and accurate calculations, the favorable issue should not have appeared to my view as a ray of light. The failure of an attempt against the posts of the enemy, could, in no other possible situation during the war, have been so fatal to our cause.

"That much trouble was taken, and finesse used, to misguide and bewilder Sir Henry Clinton, in regard to the real object, by fictitious communications, as well as by making a deceptive provision of ovens, forage, and boats in his neighborhood, is certain; nor were less pains taken to deceive our own army; for I had always conceived, where the imposition does not completely take place at home, it would never sufficiently succeed abroad."

Following this plan, therefore, Washington broke up the camp at New Windsor and on July 21 reached Kingsbridge.* Here he was joined by the French troops to the number of 5,000 under Rochambeau. The combined forces then made several movements calculated to deceive the British into believing that the object of the movement was to capture New York. On August 19 a body of troops was sent across the Hudson at Dobb's Ferry, ostensibly to establish a permanent post in that vicinity. On the next two days the main body of the

* Heath's *Memoirs*, pp. 175-179 (Abbatt's ed.); Sparks' ed. of Washington's *Writings*, vol. viii., p. 139.

* Sparks, *Life of Washington*, p. 335.

American army passed the river at King's Ferry, while the French made a longer circuit and did not complete the passage until the 25th. For some time Washington continued the march in such a direction that the British would think his object was New York. But when it became impossible further to conceal his intentions, Washington ordered a rapid advance toward the South. In this way Clinton was not aware of his real intention until the main part of the army had crossed the Delaware.* On August 30 the combined forces entered Philadelphia and were received there with demonstrations of great joy. Toward the end of August De Grasse entered the Capes and was met there by an officer sent by Lafayette to give him full information regarding the condition of affairs in Virginia and the plans made for operating against the British army.

After Cornwallis reached Yorktown, he proceeded to erect strong fortifications. Lafayette, being encamped on the James River, was in a position to prevent his passage into North Carolina, while the allied

forces on their way south could prevent his escape to the northward. De Grasse then sent four ships of the line and some frigates to block the entrance of the York River, so that Cornwallis could not escape in that direction, and the French troops brought by De Grasse under the Marquis de St. Simon were sent to Lafayette's camp. The rest of the fleet remained at the entrance of the bay on the lookout for the British squadron.*

Having made all the necessary arrangements for transporting the northern army to Yorktown, Washington, accompanied by Rochambeau, proceeded ahead of the troops, and on September 14 joined Lafayette at Williamsburg.† As Cornwallis was now lying behind very strong works, it was seen that without artillery he could not be captured save by a regular siege. It was expected that a French squadron under command of Count de Barras, which had sailed from Rhode Island, would bring the needed artillery; but this did not arrive for some time, as De Barras had gone far out to sea in order to avoid the British fleet which was known to be in that vicinity. On September 5, while awaiting the arrival of De Barras, De Grasse spied off the coast a British fleet of 19 vessels under Admiral Graves. He there-

*Bancroft, vol. v., p. 516; Thacher, *Military Journal*, p. 260 et seq.; Carrington, *Battles of the Revolution*, p. 617 et seq.; Irving, *Life of Washington*, vol. iv., pp. 325-329; 354 et seq.; Gordon, *American Revolution*, vol. iv., pp. 119-127; Ford's ed. of *Washington's Writings*, vol. ix., pp. 343-347; Tarleton, *Campaigns*, pp. 416-418.

† Fiske, *American Revolution*, vol. ii., pp. 277-278; Oberholtzer, *Life of Morris*, p. 82.

‡ Tower, *Marquis de LaFayette*, vol. ii., p. 420.

* Tower, *Marquis de LaFayette*, vol. ii., p. 428 et seq.; Lossing, *Field-Book of the Revolution*, vol. ii., p. 305.

† Tower, p. 444.

upon sailed out to engage the British fleet and to draw them off so that in the meantime De Barras could pass into the bay. This project was carried to a successful conclusion, and it did not become necessary to open up a general engagement with the British fleet.*

When Clinton finally became aware of the intention of the allies in the north, he attempted to create a diversion by attacking some city in his immediate vicinity. In September, therefore, he sent Benedict Arnold against New London, Conn. Crossing the Sound, Arnold landed his troops in two divisions at the mouth of the Thames. One of these divisions marched toward New London, took Fort Trumbull, and then entered the town; while the other passed up the east side of the river to attack Fort Griswold. This fort was defended by a small garrison of militia under Colonel William Ledyard, and though they made a resolute resistance, they were finally overpowered by the superior British force. Upon surrendering, Colonel Ledyard was brutally killed by the commanding British general. Upon the capture of the fort, the garrison was indiscriminately murdered, as were also many of the inhabitants, nearly 100 being slain.

* Bancroft, vol. v., p. 517; Fiske, *American Revolution*, vol. ii., pp. 278-279; Stedman, *American War*, vol. ii., pp. 400-402; Fisher, *Struggle for American Independence*, vol. ii., pp. 484-487; Lee's *Memoirs*, vol. ii., pp. 313-320; Gordon, *American Revolution*, vol. iv., pp. 181-184 (ed. 1788); Tower, *Marquis de LaFayette*, pp. 437-440.

Meanwhile New London had been burned to the ground and a number of richly laden vessels fell into Arnold's hands.* The Nero-like Arnold gazed upon the burning of New London with great exultation, and shortly after his return to New York completed his audacious villainy by reporting that the prisoners slaughtered after the surrender had been found dead in the fort.†

This expedition, however, did not result in diverting Washington from his purpose as Clinton had expected, and the latter became convinced that he should put forth every effort to send Cornwallis relief. He dispatched a letter in cipher to Cornwallis, saying that he hoped by October 5 to be able to join him with his fleet and armies. Upon receiving this letter, therefore, Cornwallis withdrew his troops from the outer defences and concentrated them within the limits of the town.‡ On September 25 the

* Thacher, *Military Journal*, pp. 267-268; Arnold's report in Arnold, *Life of Arnold*, p. 348 *et seq.*; Carrington, *Battles of the Revolution*, pp. 628-629; Gordon, *American Revolution*, vol. iv., p. 178 (ed. 1788); Caulkins, *History of New London*, pp. 545-572; Johnston, *Connecticut*, pp. 312-314; Trumbull's letter of September 15 to Washington, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 403-405; Heath's *Memoirs*, pp. 282-285 (Abbatt's ed.); Lossing, *Field-Book of the Revolution*, vol. i., pp. 610-613.

† In December, 1781, Arnold left New York and proceeded to England. Looked upon with scorn and contempt, he sank into obscurity, ending his unhappy career at London, June 14, 1801. On his career in foreign parts, see Arnold, *Life of Arnold*, p. 355 *et seq.*

‡ See the dispatches quoted in Carrington, *Battles of the Revolution*, pp. 631-633. See also

allied troops to the number of 11,000 reached Williamsburg, and three days later began the march toward Yorktown. At the same time the allied army encamped before Yorktown, the combined French fleets anchored at the mouth of the river, so as to prevent the escape of the British by sea, as well as to prevent any supplies or reinforcements reaching them from that direction. Lauzun's legion together with a militia brigade, in all about 4,000 men, under command of General de Choisy and General George Weedon, took a position at Gloucester Point, and shut off escape on that side.*

On September 30 Yorktown was invested. The left wing of the besieging troops was composed of the French, extending from the river above the town to a morass in front of it; the right wing was composed of the Americans who occupied the ground below the town between the morass and the river. On the extreme left of the besieging army were the West India regiments under St. Simon, and next to them were the French light infantry regiments under Antoine Charles du Houx, Baron de Vioménil, under whom were the Colonels Counts William Deuxponts, and Adam Philip De Custine. The French artillery occupied the

centre, and on the right across the marsh were the American artillery under Knox, assisted by Colonel John Lamb, Lieutenant-colonels Ebenezer Stevens, Edward Carrington, and Major Sebastian Bauman, the Virginia, Maryland, and Pennsylvania troops under Steuben, the New York, Rhode Island and New Jersey troops under General James Clinton, the light infantry under Lafayette, and the Virginia militia under Governor Thomas Nelson, Jr. General Lincoln's quarters were on the banks of the Wormeley's Creek on the extreme right.*

Until October 6 the American and French troops were occupied in disembarking the artillery and military stores, and in conveying them to the scene of action;† but on that night, the first parallel was begun about 600 yards from the British works.‡ Because the night was dark and rainy, the operations of the besiegers were not discovered and probably not suspected by the besieged until daylight disclosed them in the morning, but by that time the trenches had been so far advanced that the workmen were covered from the fire of the garrison. Three days later the batteries were completed and fire was immediately opened on the town. Thenceforth shot and shell were unceasingly

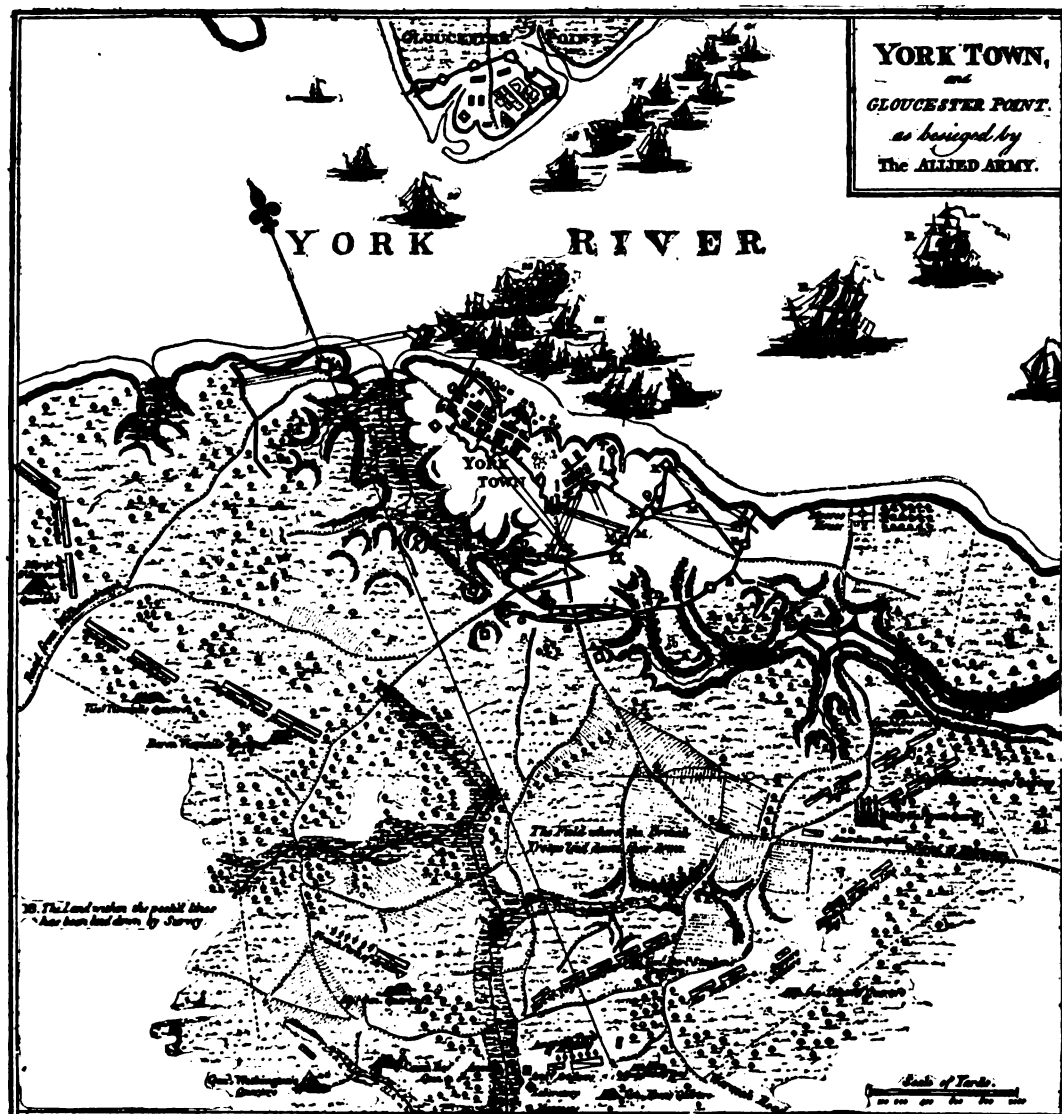
Tower, *Marquis de LaFayette*, vol. ii., pp. 447-448.

* Fisher, *Struggle for American Independence*, vol. ii., p. 494; Lossing, *Field-Book of the Revolution*, vol. ii., p. 308.

* Lossing, *Field-Book of the Revolution*, vol. ii., pp. 309-311.

† *Ibid*, p. 311. For a statement of the force of artillery, see Brooks, *Life of Knox*, p. 154 *et seq.*

‡ Carrington, *Battles of the Revolution*, pp. 636-637; Brooks, *Life of Knox*, p. 160.



AMERICAN AND FRENCH APPROACHES.—B. First parallel. C. American battery of three 18 and three 24 pounders, two howitzers and two 10" mortars. D. American battery of four 18 pounders. E. Bomb battery of four 10" mortars. F. French battery of four 12 pounders and 6 mortars and howitzers. G. Three French batteries of sixteen pieces—18 and 24 pounders and 9" howitzers. H. French bomb battery of six 18" mortars. I. Part of second parallel. K. Redoubt stormed by Americans. L. Bastion redoubt stormed by French. M. Remainder of second parallel. N. Three French batteries in second parallel—of sixteen pieces—18 and 24 pounders. O. French bomb battery designed for ten 13" mortars. In redoubt K the Americans opened with two 8" howitzers and two 18 pounders, and in redoubt I, with two 10" mortars. P. American battery of four 18 pounders. Q. American battery designed for seven 18 and three 24 pounders, four howitzers, eight 10" and ten 5½" royal mortars; not mounted when garrison capitulated. R. Two French men of war sent to take charge of British marines. **BRITISH FORTIFICATIONS.**—A. British out-works. No. 1. Battery of two 6 pounders and one 5½" howitzer. 2. Three 18 pounders. 3. Four 18 and five 9 pounders. 4. Five 18, one 9 and two 6 pounders. 5. One 18 and three 9 pounders. 6. One 18 and four 9 pounders. 7. Two 18 and two 12 pounders. 8. Two 18 and one 9 pounders. 9. Two 18 and two 12 pounders. 10. Three 18, two 12 and one 6 pounder and one 16" mortar. 11. One 24 and two 9 pounders. 12. Two 12 pounders and two 8" howitzers. 13. Two 18 and one 12 pounders. 14. Five 9 pounders. 15. Ten 18 and one 12 pounders. 16. Two batteries of eight guns, different calibers. 17. Part of British shipping. 18. Frigate *Guadaloupe* sunk. Frigate *Fowey*. 20. Sloop of War *Bonetta*. 21. British ships as they appeared sunk. 22. The *Charon*, a 44-gun ship, and two transports set on fire by hot shot.

hurled against the fortifications. The unfinished works on the left of the town were soon demolished by the continuous discharge from the 24 and 18 pounders and the 10 inch mortars, and the guns mounted on these unfinished works were silenced. Some of the shot from the American batteries passed completely over the town and struck the ships in the harbor. The *Charon*, a 44, and several transports were set on fire by the hot shell and entirely destroyed.*

A second parallel between 200 and 300 yards from the British works was now begun,† but the progress of the Americans was much hindered by two redoubts on the left of the British works. Washington therefore determined to capture these by storm, the reduction of one being left to the French, while the other task was committed to the Americans. Lafayette was in command of the American troops and Vioménil in charge of the French detachment. Late in the afternoon of the 14th, the assault was begun. Alexander Hamilton led the advance-guard of the Americans,‡ and Colonel John Laurens at the head of 80 men turned the redoubt. Without firing a gun, the troops

rushed to the assault, and so impetuous was their charge that the redoubt was captured with very inconsiderable loss. Major Campbell and 17 privates were made prisoners.* Much to the credit of the American troops, not an act of barbarity was committed, although at this time information had just been received of the massacre of Fort Griswold. Some state that Lafayette, with Washington's consent, ordered every man in the redoubt to be put to the sword, but this statement was positively contradicted by Colonel Hamilton and Lafayette.†

The French experienced considerable difficulty in capturing the redoubt against which they had marched, as it was defended by a large number of men. Nevertheless, they succeeded in the project, killed 18 of the 120 men defending the redoubt, and captured 42 others. The loss of the French was about 100.‡ Washington was greatly pleased at the conduct of both forces, and in his orders of the following day expressed his approval of the conduct of Vioménil, Lafayette, and the other offi-

* Thacher, *Military Journal*, p. 274; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 311-312; Cooke, *Virginia*, p. 468; Irving, *Life of Washington*, vol. iv., pp. 397-399.

† Lossing, p. 312. Knox and Irving say 300 yards. See Brooks, *Life of Knox*, p. 160; Irving, *Life of Washington*, vol. iv., p. 399.

‡ Johnson, *General Washington*, pp. 257-258; Irving, p. 401.

* Tower, *Marquis de LaFayette*, vol. ii., p. 449 et seq.; Carrington, *Battles of the Revolution*, pp. 638-639. See also Lafayette's letter in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 425-427; Thacher, *Military Journal*, p. 275.

† Marshall, *Life of Washington*, vol. iv., p. 486; Hamilton, *Life of Hamilton*, vol. i., chap. xiv.; Tower, *Marquis de LaFayette*, vol. ii., pp. 452-453.

‡ Bancroft, vol. v., p. 521; Thacher, *Military Journal*, p. 276; Ford's ed. of *Washington's Writings*, vol. ix., pp. 380-388.

cers in command of the two detachments.

Cornwallis's situation was now becoming desperate. Clinton had been unable to send the reinforcements as early as he had expected, and informed Cornwallis that they could not leave New York before October 12. It was therefore useless to expect that Cornwallis could hold out until they arrived. He thereupon determined to make a vigorous sortie so as to retard the progress of the American works. Early in the morning of the 16th, a party of British troops under command of Colonel Abercrombie succeeded in capturing a portion of the works in the second parallel, but before any great advantage had been secured, they were driven back.* The batteries of the allied armies now contained nearly 100 pieces of heavy ordnance, and so destructive was their fire that the British works contained scarcely a mounted cannon. Writing to Clinton, Cornwallis said: "My situation now becomes very critical; we dare not show a gun to their old batteries, and I expect that their new ones will open tomorrow morning. * * * The safety of the place is, therefore, so precarious, that I cannot recommend that the fleet and army should run great risk in endeavoring to save us."† So alarming had become his position, that Cornwallis decided to cut his way through the besieging

forces and to set out for New York. He planned to cross the river in the night to Gloucester Point, where a small garrison of the British under command of Tarleton were being watched by the French under De Choisy. Having dispersed this French force, he intended to mount the infantry, and by forced marches to join Clinton. Cornwallis therefore left his baggage and the sick and wounded to the care of the enemy, and embarked his army in three divisions. A part of it had crossed and landed at Gloucester Point; another part were still on the river; while the third division had not embarked, when a sudden and very violent storm arose and drove the boats down the river, so that when day appeared the troops were in a bad way. Discovering the predicament of the British, the besiegers opened up a destructive fire on them and finally compelled them to return to the town.*

Cornwallis now abandoned all hope. He realized that it was impossible any longer to resist the Americans, and that any further operations might result in a large loss of valuable lives. On October 17, therefore, he wrote to General Washington asking a suspension of hostilities for 24 hours so that commissioners might

* Thacher, *Military Journal*, pp. 276-277.

† Irving, *Life of Washington*, vol. iv., p. 404.

* Thacher, *Military Journal*, pp. 277-278; Fisher, *Struggle for American Independence*, vol. ii., pp. 498-499; Johnston, *Yorktown Campaign*, p. 191; Lossing, *Field-Book of the Revolution*, vol. ii., p. 314.

be appointed to discuss terms of capitulation. While Washington in reply expressed his "ardent desire to spare the further effusion of blood," and his willingness to discuss such terms as were admissible, still he could not waste time in fruitless negotiations, and therefore desired that Cornwallis immediately transmit his proposition in writing, for which purpose hostilities would be suspended for two hours only.* Upon receipt of Cornwallis's proposal, it was seen that there would be no difficulty in adjusting the terms of capitulation, and the suspension was continued throughout the night. In the meantime, Washington drew up such articles as he would be willing to grant and transmitted them to Cornwallis with the request that, if these articles were approved, commissioners be appointed at once to draft a capitulation.† Washington insisted, however, that the decision be prompt and the negotiations conducted rapidly. Cornwallis accepted Washington's terms, and on October 19 Yorktown and Gloucester were surrendered to the allied French and American troops.‡

The chief stipulations were as follows: "The troops to be prisoners

of war to Congress, and the naval force to France; the officers to retain their side-arms and private property of every kind, but everything obviously belonging to the inhabitants of the United States, to be subject to be reclaimed; the soldiers to be kept in Virginia, Maryland, and Pennsylvania, and to be supplied with the same rations as are allowed the soldiers in the service of Congress; a proportion of the officers to march into the country with the prisoners, the rest to be allowed to proceed on parole to Europe, to New York, or to any other American maritime post in possession of the British." Washington, however, refused to allow the British the honor of marching out with colors flying, treating Cornwallis as General Lincoln had been treated at Charleston. Lincoln was also appointed to receive the submission of the British troops in precisely the same manner as his own submission had been conducted about a year and a half previously.* Fiske states that the British band played a

* See the letters in Carrington, *Battles of the Revolution*, p. 641; Tower, *Marquis de LaFayette*, vol. ii., p. 454.

† Irving, *Life of Washington*, vol. iv., pp. 406-407.

‡ Sparks' edition of Washington's *Writings*, vol. viii., pp. 530-536; Lossing, *Field-Book of the Revolution*, vol. ii., p. 315 *et seq.*

* Dr. Thacher, in his *Military Journal*, pp. 278-281, gives a very interesting account of the circumstances connected with this eventful day. Lord Cornwallis, on the plea of indisposition, did not show himself on this occasion, General O'Hara acting as his representative. See also Irving, *Life of Washington*, vol. iv., p. 409 *et seq.* Thacher also states (p. 283), what should not be forgotten, that Cornwallis's army regularly and systematically plundered in every direction, and that his lordship's table was served with plate pillaged from private families. Probably more than £3,000,000 sterling worth of property was destroyed by the royal army during the six months previous to its surrender at Yorktown.



THE SURRENDER OF LORD CORNWALLIS AT YORKTOWN.
From the painting in the Capitol at Washington, painted by John Trumbull about 1820.

quaint old melody entitled "The World Turned Upside Down."*

Exclusive of seamen, the total number of prisoners was about 7,000.† The British loss during the siege was between 500 and 600; the American loss in killed and wounded was about 300.‡ On the very day that Cornwallis capitulated, Clinton sailed from New York to relieve him, arriving at the Virginia Capes on October 24; but when he learned of the surrender he immediately returned to New York.|| In recognition of the conduct of the officers and soldiers during the siege, Congress bestowed thanks upon the commander-in-chief, the French officers, and the various minor generals and through them upon the rank and file. On the day following the surrender, the general orders closed as follows: "Divine service shall be performed tomorrow, in the different brigades and divisions. The commander-in-chief recommends, that all the troops that are not on duty, do assist at it with a serious deportment, and that sensibility of heart which the recollection of the surprising and particular interposition of Providence in our favor claims." Congress also issued

a proclamation appointing December 13 as a day of thanksgiving and prayer.

After the capitulation, as De Grasse could not be induced to further aid the operations against the British in the South,* Washington sent 2,000 troops to reinforce the army under Greene, and dispatched the balance of the army to winter cantonment in the vicinity of New York. On November 27 he himself went to Philadelphia. The French troops remained in Virginia, and De Grasse sailed for the West Indies. While the allied armies had been completely successful in Virginia, and great advantages had been gained in the Carolinas, yet Washington did not relax his vigilance, and urged upon Congress and the country in general that preparations for another campaign should be begun. Writing to General Greene, he says: "I shall endeavor to stimulate Congress to the best improvement of our late success, by taking the most vigorous and effective measures to be ready for an early and decisive campaign the next year. My greatest fear is, that, viewing this stroke in a point of light which may too much magnify its importance, they may think our work too nearly closed, and fall into a state of languor and relaxation. To prevent this error, I

* *American Revolution*, vol. ii., p. 283.

† See the statistics in Carrington, *Battles of the Revolution*, pp. 642-643.

‡ Bancroft, vol. v., p. 522. See also Tench Tilghman, *Diary of the Siege of Yorktown*; Gordon, *American Revolution*, vol. iv., pp. 191-197 (ed. 1788); Drake, *Life of Knox*, pp. 69-73; Tarleton's Campaigns, pp. 372-393, 418-458; Lee's *Memoirs*, vol. ii., pp. 329-375.

|| Holmes' *Annals*, vol. ii., p. 333.

* For details regarding his attempts to secure aid from de Grasse, see Tower, *Marquis de La Fayette*, vol. ii., p. 458 *et seq.*

shall employ every means in my power; and if, unhappily, we sink into this fatal mistake, no part of the blame shall be mine." Perceiving that there was no prospect of further active service until the next campaign, Lafayette obtained permission from Congress in November to return to France, and upon his departure took with him not only the resolves of Congress complimentary to his zeal and services,* but also the consciousness of possessing the esteem and regard of the entire country.

While Washington was conducting the operations against Cornwallis, the Loyalists of North Carolina had been quite active. A body of them under McNeil and McDougall had captured Hillsborough and had taken a number of prisoners. McNeil and some of his followers were subsequently killed in a skirmish with American troops, but McDougall succeeded in escaping the pursuit, and with a number of his prisoners, reached Wilmington in safety. This was practically the last of the Tory operations.

CHAPTER XXXII.

1782-1783.

ACTIVE WARFARE ENDS.

Operations in the Gulf region — Mobile district conquered — Pensacola captured — Operations in the Northwest — Detroit fortified — Bird's expedition into Kentucky — Clark's retaliation — Sinclair repulsed at St. Louis — The march of the Spaniards across Illinois — Pennsylvania troops under Lochry ambushed — Destruction of Crawford's force — Battle of the Blue Licks — Invasion of Major Ross in the Mohawk Valley — Washington urges preparations for another campaign — Condition of the finances — Case of Captain Huddy — Washington requested to become king — His answer — Washington's letter to the Secretary of War — St. Clair's operations in the South — Plan to seize General Greene — Finances — States consent to tax — Memorial of the army officers to Congress — "Newburg Addresses" — Washington's address to the officers — His letter to Congress — Half pay for army commuted to five years' full pay — Army accounts adjusted. Appendix to Chapter XXXII. — I. The Newburg Addresses. II. Washington's Address to the Army Officers.

While the British were suffering disaster after disaster in the East, events of vast importance were occurring in the Gulf region and the West. In 1777 Don Bernardo de Galvez had become governor of Louisiana, and as soon as he learned that open hostilities existed between

England and Spain, he began active preparations to drive the English from the Gulf region. In 1779 he compelled the surrender of Fort Bute at Bayou Manshac (or Manchac); Baton Rouge was taken as was Fort Panmure on the site of old Fort Rosalie, or modern Natchez; and three other garrisons were also captured.* In 1780 Galvez organized

* See Sparks, *Correspondence of the Revolution*, vol. iii., pp. 452-453, note; Tower, *Marquis de LaFayette*, vol. ii., pp. 461-463.

* *The South in the Building of the Nation*, vol. ii., p. 352; Phelps, *Louisiana*, pp. 139-146.

an expedition of whites, blacks, and Indians against Fort Charlotte and Mobile, and after a short campaign the entire Mobile district was conquered.* In 1781 Galvez determined to conquer Florida and for this purpose went to Cuba to organize an expedition against Pensacola. Landing on St. Rosa Island with 1,400 men, Pensacola was besieged by the Spaniards for a month and was successfully defended by the British until the powder magazine exploded, making a breach in the walls through which the attacking army was able to force an entry. The city then surrendered, and with it Spain came into possession of West Florida.† Galvez was decorated for his services, was promoted to lieutenant-general, and made captain-general of Florida and Louisiana.‡

Meanwhile Clark's capture of Vincennes and the Illinois posts had paralyzed the English efforts to carry on offensive warfare along the American frontiers, and the chief operations consisted of Indian raids against the Ohio River and the Kentucky settlements. It was feared that Clark would march against Detroit,

which at that time was in no condition to withstand an attack, and Richard B. Larnoult, who had been left in charge when Hamilton started on his ill-fated expedition to the Wabash, immediately began the erection of a fort on the rising ground back of the town. Captain Henry Bird was intrusted with the construction and pushed the work until February, 1778, when he decided to engage in more active service and resigned the construction work to Lieutenant Du Vernett. Bird then collected a force of 200 Shawanese Indians at Upper Sandusky for the purpose of carrying the war into Kentucky, but reports that the Kentuckians had raided the Shawanese towns threw the Indians into a panic, and the expedition was abandoned for a time.*

Captain Bird's disappointment did not last long, however. In 1778 a force of regulars from Fort Pitt had built Fort McIntosh on the site of the present town of Beaver, and during the autumn of that year General Lachlan McIntosh had advanced to the banks of the Upper Muskingum, where he erected Fort Laurens, near the present site of Bolivar. During the winter and spring of 1779, the Indians attacked the fort and captured several of the garrison, and the remainder were forced to retreat and

* Stedman, *American War*, vol. ii., pp. 188, 255, 263; Gordon, *American Revolution*, vol. iii., pp. 401, 405-459, 411, 412 (ed. 1788); King, *New Orleans*, p. 124.

↓ On these campaigns see Hamilton, *Colonial Mobile*, chap. xxxi.; Martin, *History of Louisiana*, vol. ii., chap. iii.; Gayarré, *History of Louisiana*, vol. iii., chap. iii.; Lowell, *Hessians in the Revolution*, pp. 251-254.

† King and Ficklen, *History of Louisiana*, p. 133.

* This was the raid of John Bowman, Harrod, Logan and others against Chillicothe which finally resulted in the defeat of the Kentuckians. See Roosevelt, *Winning of the West*, vol. ii., pp. 96-97; Moore, *The Northwest under Three Flags*, pp. 245-251.

abandon the post.* Bird had been present at some of these attacks, and in May, 1779, led 150 whites and 1,000 Indians to Kentucky, where he captured two small stockades on the South Fork of the Licking and then retreated to Detroit. The Kentuckians, enraged at this onset, organized a party of 970 men under Clark, hurried up the Ohio, and attacked Pickaway, driving the Indians into the forests.† After this there was a season of quiet.

In October, 1779, Patrick Sinclair was ordered to command the post at Michillimackinac succeeding Arent Schuyler de Peyster, who was ordered to Detroit. After erecting a fort at his new post, Sinclair determined to send out an expedition for the purpose of capturing St. Louis and other towns in that vicinity. In May, 1780, a force of 750 traders, servants, and Indians started down the Mississippi and soon arrived before St. Louis. A small force attacked the village, and before the Spaniards could organize to successfully resist the attack, had killed about 7 of the inhabitants and captured 18. The Spanish, however, soon drove the attacking party from the town.‡

* Doddridge, *Settlement and Indian Wars of Virginia and Pennsylvania*, p. 244 et seq.

† See Roosevelt, *Winning of the West*, vol. ii., pp. 102-111; *Michigan Pioneer Collections*, vol. ix., pp. 558-559; Winsor, *Westward Movement*, p. 175; Dunn, *Indiana*, p. 159.

‡ Estimates of the number killed in this action vary greatly, being placed at 7, 40, and 68 by different historians. See F. L. Billon, *Annals of St. Louis under the French and Spanish Domi-*

By securing the mouth of the Mississippi, the Spanish had now practically gained control of the Mississippi Valley. It was determined to push the conquest still further to the Northwest in the hope that England might be persuaded to trade the Lake region for the British possession at Gibraltar, which was a constant menace to Spain. Therefore, in January, 1781, Don Francisco Cruzat, the commander in the Illinois district, sent out an expedition, under Don Eugénio Pourré (or Pierro) and Don Carlos Tayton, to capture British posts in Northern Indiana and Southern Michigan. Making the winter journey of 400 miles under the greatest hardships they finally arrived at Fort St. Joseph on the St. Joseph River. They found the fort deserted, and taking possession formally proclaimed that place and its dependencies and the Illinois River to be under the sovereignty of the Spanish king. Nothing further seems to have been accomplished, however, and no effort was made to prevent the recapture of the fort by the English from Detroit.* On the temporary possession of this single fort, Spain was suspected of trying to es-

nations; E. H. Shepard, *Early History of St. Louis*; Moore, *The Northwest under Three Flags*, pp. 253-257.

* Edward G. Mason, *The March of the Spaniards across Illinois*, in *Magazine of American History*, vol. xv., pp. 457-470 (May, 1886); Moore, *The Northwest under Three Flags*, p. 257 et seq.; Dunn, *Indiana*, p. 160; Roosevelt, *Winning of the West*, vol. ii., p. 179.

tablish a claim to the western territory north as well as south of the Ohio.*

Meanwhile the forces at Fort Pitt had been planning an invasion of the Northwest. McIntosh had been succeeded in command at Fort Pitt by Colonel Daniel Brodhead, under whom in April, 1781, the Delaware villages on the Muskingum were laid waste.† Brodhead was ordered to aid Clark's western enterprises, and in August, 1781, a force of 107 Pennsylvania mounted soldiers under Colonel Archibald Lochry was sent to join Clark, but at the mouth of the Great Miami this force was ambushed and annihilated.‡ In October, 1781, William Irvine, sent to take command at Fort Pitt, determined to send an expedition to capture Detroit. In May, 1782, therefore, a force of 480 men under William Crawford started on the journey,|| and early in June had reached Upper Sandusky. Receiving news of this intended invasion, De Peyster at Detroit immediately took steps to repel it. He secured the services of the Indians, chiefly Wyandots and Delawares, sending them ahead to intercept the Americans, and also organized a body of rangers under Cap-

tain Caldwell to support the savages. Meanwhile, after reaching Upper Sandusky on June 4, Crawford had determined to push forward, and soon met the advancing Indians. Crawford attacked the Delawares who appeared first and defeated them, but the Wyandots now appeared and the Delawares slipped around to attack the Americans in the rear. But night fell, and fighting was discontinued until the next day. At day-break the battle was renewed, the Americans being surrounded by the Delawares on the south and the Wyandots on the north. The Rangers from Detroit now arrived on the field, and 200 Shawanese also swept up from the south. To save his force, Crawford determined to retreat, and finally, with only 300 men left, succeeded in reaching Upper Sandusky. Colonel Crawford, however, was found to be missing, and it was then decided to continue the retreat to the point from which the expedition had started, which was reached on June 17. Crawford had remained behind to wait for some stragglers to come up, and had been captured by the Delaware Indians. Handed over to the chiefs, he was tortured and burned at the stake, and thus ended his ill-fated expedition.*

* Wharton, *Diplomatic Correspondence*, vol. v. pp. 363-364; Sparks' ed. of *Franklin's Writings*, vol. ix., pp. 206, 386.

† Roosevelt, *Winning of the West*, vol. ii., p. 151.

‡ *Ibid.*, p. 117.

|| See Irvine's letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 509-511.

* See C. W. Butterfield, *Crawford's Campaign*; Roosevelt, *Winning of the West*, vol. ii., pp. 158-166; Moore, *The Northwest under Three Flags*, pp. 267-275; Dunn, *Indiana*, pp. 160-161; King, *Ohio*, pp. 158-159; Irvine's letter of July 11, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 522-524.

In June news of the peace negotiations and the cessation of hostilities reached Detroit, and on August 15 De Peyster sent an express to Caldwell to cease operations, but before the message arrived he had inflicted a disastrous defeat on the Americans in Kentucky. Caldwell had taken a force of 30 Rangers and 200 Lake Indians, beside some Delawares and Shawanese, and made an unsuccessful attack on Bryan's Station in Kentucky. Clark's lieutenant, Colonel John Todd, aided in resisting the attack, and then pursued the Indians until the two forces met, resulting in the battle of Blue Licks, in which Todd and 70 of his command were killed, and seven captured, with the loss to the enemy of only one Ranger and six Indians.* Clark determined to retaliate, and in November he and Simon Kenton at the head of 1,050 men attacked the Miami towns, burned crops, captured prisoners, recaptured whites, and destroyed the establishments of the British traders. This attack ended the Revolutionary war in the Northwest.†

In the latter part of August, Major Ross made an incursion into the Mohawk Valley, at the head of 600 regulars, rangers and Indians. At Johnstown, Colonel Marinus Willett with

about 350 troops came up with him, but in the ensuing engagement part of the Americans took to flight. Willett was soon afterward reinforced by 200 militia and when the battle was renewed the British were in turn put to flight. Though Willett pursued them, he was unsuccessful in his attempt to capture or destroy the force. The loss of the enemy in killed is not known, but 52 prisoners were taken. Of the American force 13 were killed, 23 were wounded, and 5 missing. Among the killed was Walter Butler, who had become infamous through the massacre at Cherry Valley.* Though he pleaded for mercy, he was treated exactly as he had treated his prisoners at Cherry Valley.

Fearing that because of the successes of the American troops in Virginia the efforts of Congress and the people in general would be relaxed, Washington recommended vigorous preparations for another campaign, saying, "Whatever may be the policy of European courts during this winter, their negotiations will prove too precarious a dependence for us to trust to. Our wisdom should dictate a serious preparation of war, and, in that state, we shall find ourselves in a situation secure against every event." While in Philadelphia, Washington secured the passage of a reso-

* Roosevelt, *Winning of the West*, vol. ii., pp. 187-207; Shaler, *Kentucky*, pp. 83-97.

† Moore, *The Northwest under Three Flags*, pp. 275-276; Shaler, *Kentucky*, p. 91; Dunn, *Indiana*, p. 161; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 294-295; Roosevelt, vol. ii., pp. 208-210.

* See Campbell, *Border Warfare of New York*, pp. 208-213; Thacher, *Military Journal*, p. 294; Heath's *Memoirs*, pp. 294-296; Lossing, *Field-Book of the Revolution*, vol. i., pp. 290-292.

lution appropriating money and supplies sufficient to maintain the military establishment for about a year. The States were requested to furnish their quotas of troops as soon as possible, and Washington himself wrote two circular letters to the governors of the various States.* These letters were sent out toward the close of January, 1782, and in them Washington reminded the governors how the army had been thrown into a ferment twelve months before because of inability to pay the troops, and by lack of clothing and provisions. He gave warning that the recent successes in Virginia might tend to cool the ardor of the country in prosecuting the war; assured them that a vigorous prosecution of the war was the only thing that would guarantee the independence of the United States; and exhorted them to adopt such measures as would insure the prompt payment of the money requested by Congress.† A few days later, he addressed another note to the States, requesting them to complete their quotas of troops, saying that the continuance of the war rested on their vigor and decision, and that the terms of peace, if the enemy were disposed to treat, might largely depend upon whether the American army was or was not superior in troops and equip-

ment to the British. He said: "I am persuaded that only some great occasion was wanting, such as the present movement exhibits, to rekindle the latent sparks of that patriotic fire into a generous flame, to rouse again the unconquerable spirit of liberty, which has sometimes seemed to slumber for a while, into the full vigor of action."*

Nevertheless, the result was extremely disappointing to Washington. The State legislatures declared that their constituents were unable to pay taxes; and, instead of making preparations to replenish the Continental treasury, several of the States were devising means to draw money from it. Moreover, some of the States which had imposed taxes directed that the necessities of the State should be supplied first, and that only the residue should be paid to the Continental treasury. Morris had succeeded in greatly diminishing the running expenses of the government, but as yet they were great and must continue so, even though the means of meeting these expenses failed. At the beginning of 1782 there was not a dollar in the treasury, and yet, as Marshall says, "to the financier every eye was turned; to him the empty hand of every public creditor was stretched forth; and against him, instead of the state governments, the complaints and imprecations of every unsatisfied claimant were directed."

* See Sparks, *Life of Washington*, pp. 347-350. See also Lodge, *George Washington*, vol. i., p. 315 *et seq.*

† Sparks' ed. of *Washington's Writings*, vol. viii., p. 226.

* *Ibid.*, vol. viii., pp. 232, 235.

Morris deeply felt the ingratitude of the country, but resolved not to abandon the cause. In writing to Washington to inform him that the taxes due in July would not be paid until December, he said:

"With such gloomy prospects as this letter affords, I am tied here to be baited by continual clamorous demands; and for the forfeiture of all that is valuable in life, and which I hoped at this moment to enjoy, I am to be paid by invective. Scarce a day passes, in which I am not tempted to give back into the hands of Congress the power they have delegated, and to lay down a burden which presses me to the earth. Nothing prevents me but a knowledge of the difficulties which I am obliged to struggle under. What may be the success of my efforts, God only knows; but to leave my post at present, would, I know, be ruinous. This candid state of my situation and feelings I give to your bosom, because you, who have already felt and suffered so much, will be able to sympathize with me."

Toward the middle of April, 1782, Washington left Philadelphia and rejoined the army at headquarters at Newburg. Upon his arrival there, he was informed of a shameful proceeding which has occurred some time previously. Captain Joshua Huddy, commanding a body of troops in Monmouth County, had been attacked by a party of refugees from New York, made prisoner, and closely confined in New York. A few days later he was led out and hung with a label on his breast stating that this was done in return for similar treatment to some of their number. Washington immediately took the matter into consideration and laid it before Congress. He then wrote to Clinton demanding that Captain Lippincott, the perpetrator of the deed, be given

up, but as Clinton refused to comply with this demand Washington determined upon retaliation. He chose Captain Charles Asgill, a British officer of equal rank with Captain Huddy, who was then a prisoner in American hands, as the one upon whom a fate similar to that of Huddy should be visited. Both Clinton and Tarleton reprobated Lippincott's act, but they refused to surrender him, as it was asserted that he had only followed the orders of the Board of Associated Loyalists in New York. The matter was in suspense for a number of months, during which time Asgill's mother made every effort to save his life, even soliciting the interference of Vergennes, who wrote to Washington in her behalf. Finally, Washington set Asgill at liberty.*

The various States did not send in their quotas of troops as promptly as Washington had expected, and he endeavored to arouse the States from their apathy by a circular letter, but with no greater success. Because Congress had been in arrears with their pay, the soldiers had become still more discontented and began to brood over their hardships. In reflecting on the inefficiency of Congress, and almost in despair of the success of the republican form of

* Thacher, *Military Journal*, pp. 302-310; Heath's *Memoirs*, pp. 309-316 (Abbatt's ed.); Sparks, *Life of Washington*, pp. 350-352; Lodge, *George Washington*, vol. i., pp. 318-322; Irving, *Life of Washington*, vol. iv., pp. 420-423. See also the various letters regarding this quoted in Hale, *Franklin in France*, vol. ii., p. 207 *et seq.*

government, they began to consider placing supreme authority in the hands of one man. Their sentiments were presented to Washington in a very able letter, stating the present condition of affairs, and setting forth the defects of the political organization as it existed at that time. This letter closes with the following remarks:

"This must have shown to all, and to military men in particular, the weakness of republics, and the exertions the army have been able to make by being under a proper head. Therefore, I little doubt, that, when the benefits of a mixed government are pointed out, and duly considered, such will be readily adopted. In this case, it will, I believe, be uncontroverted, that the same abilities which have led us through difficulties, apparently insurmountable by human power, to victory and glory, those qualities that have merited and obtained the universal esteem and veneration of an army, would be most likely to conduct and direct us in the smoother paths of peace. Some people have so connected the ideas of tyranny and monarchy, as to find it very difficult to separate them. It may, therefore, be requisite to give the head of such a constitution as I propose some title apparently more moderate; but, if all things were once adjusted, I believe strong arguments might be produced for admitting the name of KING, which I conceive would be attended with some material advantages." *

In answering this communication, Washington said:

"NEWBURG, 22 May, 1782.

"Sir,

"With a mixture of great surprise and astonishment, I have read with attention the sentiments you have submitted to my perusal. Be assured, sir, no occurrence in the course of the war has given me more painful sensations, than your information of there being such ideas existing in the army as you have expressed, and I must view with abhorrence, and reprehend with severity. For the present, the communication of them will rest in my own bosom, unless some

further agitation of the matter shall make a disclosure necessary.

"I am much at a loss to conceive what part of my conduct could have given encouragement to an address, which to me seems big with the greatest mischiefs that can befall my country. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable. At the same time, in justice to my own feelings, I must add, that no man possesses a more sincere wish to see ample justice done to the army than I do; and as far as my powers and influence, in a constitutional way, extend, they shall be employed, to the utmost of my abilities, to effect it, should there be any occasion. Let me conjure you, then, if you have any regard for your country, concern for yourself and posterity, or respect for me, to banish these thoughts from your mind, and never communicate, as from yourself or any one else, a sentiment of the like nature.

"I am, sir, &c.,

"GEORGE WASHINGTON." *

Meanwhile, having an army of but 10,000 men, Washington had been unable to undertake offensive operations, and the summer passed away in inactivity. General Carleton also remained quiet in New York, and to all intents and purposes the war was at an end. Early in August Washington was informed by Carleton and Digby that negotiations for peace had been opened at Paris; that the independence of the United States would be acknowledged; that Laurens had been set at liberty; and that passports would be given to such Americans as had been detained prisoners in England.† Carleton also wrote to

* See Sparks' ed. of Washington's *Writings*, vol. viii., pp. 300-302; and his *Life of Washington*, p. 355; Lodge, *George Washington*, vol. i., pp. 329-330; Irving, *Life of Washington*, vol. iv., pp. 429-430.

† Irving, *Life of Washington*, vol. iv., p. 430.

* Sparks, *Life of Washington*, p. 354.

Washington, stating that he saw no reason for continuing the contest, and therefore disapproved of further hostilities either on sea or land, saying that these "could only tend to multiply the miseries of individuals, without a possible advantage to either nation." He added that he had withheld the dispatching of Indian parties against the frontiers and had recalled those already in the field. As a result of these communications to the commander-in-chief, the French minister in America became jealous, and in order to put at rest any feeling in the matter, Congress renewed its resolution "to enter into no discussion of any overtures for pacification, but in confidence and in concert with his most Christian majesty."

On April 12, 1782, the French fleet under De Grasse was defeated by the English fleet under Rodney, thus giving security to the British West India Islands, and it was feared that because of this the negotiations for peace might be protracted and possibly broken off altogether, and that hostilities might even be renewed.* The commanding officers had contemplated a reduction of the army, but because of the neglect of the States in furnishing money to the Continental Treasury, there was no means of paying the officers and troops, and

indeed, hardly enough could be obtained to furnish supplies for the army. Washington thereupon wrote a note to the Secretary of War, in which he said:

"While I premise that no one I have seen or heard of appears opposed to the principle of reducing the army as circumstances may require; yet I cannot help fearing the result of the measure in contemplation, under present circumstances, when I see such a number of men, goaded by a thousand stings of reflection on the past, and of anticipation on the future, about to be turned into the world, soured by penury, and what they call the ingratitude of the public; involved in debts, without one farthing of money to carry them home, after having spent the flower of their days, and, many of them, their patrimonies, in establishing the freedom and independence of their country; and having suffered everything which human nature is capable of enduring on this side of death. I repeat it, when I reflect on these irritating circumstances, unattended by one thing to soothe their feelings, or brighten the gloomy prospect, I cannot avoid apprehending that a train of evils will follow, of a serious and distressing nature. * * *

"I wish not to heighten the shades of the picture, so far as the real life would justify me in doing, or I would give anecdotes of patriotism and distress, which have scarcely ever been paralleled, never surpassed, in the history of mankind. But you may rely upon it, the patience and long sufferance of this army are almost exhausted, and there never was so great a spirit of discontent as at this instant. While in the field it may be kept from breaking out into acts of outrage; but when we retire into winter quarters (unless the storm be previously dissipated,) I cannot be at ease respecting the consequences. It is high time for a peace."*

While inactivity prevailed in the North to a great degree, operations were still being carried on in the South. General St. Clair, who conducted the reinforcements from Yorktown toward the South, reached Gen-

* For the operations of the French and English in other parts of the world, see Fisher, *Struggle for American Independence*, vol. ii., pp. 504-523, and authorities cited.

* Irving, *Life of Washington*, vol. iv., pp. 432-433.

eral Greene's headquarters early in January. He had been instructed to invest the British post at Wilmington on his way down, but, before he arrived at that place, the British garrison evacuated, and he was not detained there. Because of the casualties of a long march, the force under St. Clair had considerably diminished and did little more than supply the vacancies in Greene's army, occasioned by the discharge of those soldiers whose terms expired on the last day of December. Upon St. Clair's arrival, Greene sent General Wayne across the Santee to protect Georgia. General Sir Alfred Clarke, commanding the British troops in that province, numbering about 1,000 regulars in addition to the militia, concentrated his force at Savannah. While Wayne was engaged in watching the movements of the British, a strong party of Creek Indians attacked his force on May 24, and Wayne barely saved it from total annihilation. This conflict terminated the war in Georgia. On July 11 Savannah was evacuated, and Wayne thereupon rejoined General Greene.*

Because of the difficulty of procuring provisions, great discontent prevailed in the American army, and finally resulted in a treasonable correspondence between the Pennsylvania troops and the British. One of

the objects of this intercourse was to seize General Greene and deliver him to a detachment of British which would march out from Charleston for that purpose. Fortunately, however, the design was discovered in time, and the chief conspirator was condemned and executed. Toward the end of April, a number of desertions from the army occurred in consequence of the ungrateful treatment of Congress.†

Though the intention of evacuating Charleston was announced as early as August 7, General Leslie continued to occupy the city until December 14, and during this time proposed to General Greene that hostilities be suspended. The latter was strongly inclined to adopt this course, but did not consider that he possessed authority to enter into a definite arrangement with that end in view, deeming this a matter for the civil authorities. Leslie offered also to pay for the rice and other provisions sent into the town; but on the other hand, he threatened to take them by force and without compensation if they were withheld. General Greene suspected that this was a subterfuge to collect in Charleston a sufficient quantity to supply the army during its operations against the French West Indies, and therefore he declined to allow any such arrangement to be made. The

* Stillé, *Wayne and the Pennsylvania Line*, pp. 286-291; Heath's *Memoirs*, p. 323 (Abbatt's ed.); Lossing, *Field-Book of the Revolution*, vol. ii., pp. 534-535.

* See Greene, *Life of Greene*, pp. 365-366; Caldwell, *Life of Greene*, p. 363.

† Lossing, *Field-Book of the Revolution*, vol. ii., pp. 570-571.

British thereupon made a number of foraging incursions into the country, and a number of skirmishes took place between them and the Americans. Though none of these skirmishes were of importance in themselves, still the American army suffered a severe loss when, during an engagement on August 27, Lieutenant-colonel John Laurens was killed.* Shortly afterward Captain Wilmot attacked a party of British soldiers at James Island, near Fort Johnson, but during the skirmish the captain and a number of men were killed, and the rest retreated.† This was the last battle of the Revolution.‡

Toward the latter end of September, the French troops left Virginia and joined the American forces on

* Thacher, *Military Journal*, p. 313. See also Greene's letter, in Sparks, *Correspondence of the Revolution*, vol. iii., pp. 529-530; Lossing, *Field-Book of the Revolution*, vol. ii., pp. 571-573.

† Lossing, p. 573.

‡ "It has been estimated that the loss of lives in the various armies of the United States, during the war, is not less than seventy thousand. The numbers who died on board of the horrid prison-ships of the enemy cannot be calculated. It is, however, confidently asserted, that no less than eleven thousand of our brave soldiers died on board the one called the Jersey prison-ship only! This dreadful mortality is universally attributed to the cruel treatment which they received while crowded together in close confinement. The loss to Great Britain is two large armies captured by the United States, exclusively of many thousands killed and taken in various actions during the war; thirteen colonies dismembered from her; and an increase of her national debt, in seven years, £120,000,000. The United States have gained that independence and liberty for which they contended, and find their debt to be less than \$45,000,000, which is short of £10,000,000 sterling."—Thacher, *Military Journal*, p. 344.

the Hudson. In October they marched to Boston, and near the end of the year embarked for the West Indies. Washington returned to Newburg, which continued to be his headquarters until the final disbandment of the army. While it was hardly possible that any further engagements should take place, still Washington, in order to pacify the soldiers, and prevent any outbreak on their part as a result of irritation because of the poor treatment by Congress, continued to remain with the army until the very end. Regarding the discontentment among the soldiers at this time, Marshall speaks as follows: "To judge rightly of the motives which produced this uneasy temper in the army, it will be necessary to recollect, that the resolution of October, 1780, granting half-pay for life to the officers, stood on the mere faith of a government, possessing no funds enabling it to perform its engagements. From requisitions alone, to be made on sovereign states, supplies were to be drawn," and during the time that dangers threatened the army, the ill-success of these resolutions "furnished malancholy presages of their unproductiveness in time of peace." Furthermore, "the disposition manifested by Congress was so unfriendly to the half-pay establishment as to extinguish the hope, that any funds they might acquire would be applied to that object. Since the passage of the resolution, the Articles of Confederation which require the concur-

rence of nine States to any act appropriating money, had been adopted; and nine States had never been in favor of the measure." It was also well known that the majority of the members of Congress opposed this method of compensating the army officers, and it was but natural that inquietude among the officers should increase as the time for disbanding the army approached.*

Meanwhile Congress had been laboring with the finances. It was estimated that \$8,000,000 would be required during 1783, beside \$1,200,000 to pay the interest on the domestic debt. A call for the latter amount had already been put in, the quota of each State, in the first place, to be applied to the payment of public creditors resident in it, while the Federal Treasury was only to receive the balance. When Congress met in November, 1782, with Elias Boudinot of New Jersey as President, the Pennsylvania Assembly complained of the neglect of Congress in liquidating and providing for the domestic debt, and intimated that the Assembly would apply the receipts from the Federal taxes just levied in that State toward paying the Federal creditors therein resident. Congress thereupon appointed commissioners for each State to audit, settle, and reduce to specie value, in accordance with the official scale of depreciation, all outstanding

claims in the old paper currency for supplies furnished, services rendered or money advances made to the government or expended on Federal account. Commissioners were also appointed to settle the accounts of the old treasury, war and marine boards, of the various army departments, and of the agents, commercial correspondents and other commissioners in Europe. Pennsylvania, therefore, in view of the willingness of Congress to settle its accounts, decided to withhold the threatened action.

In the meantime the majority of the States had reluctantly assented to the proposed import duty of 5 per cent.* Georgia had just been restored to the Union and had not yet considered the subject. Rhode Island, however, refused to give her assent to the measure, stating that the tax was unequal, that it would bear hardest on commercial States and particularly Rhode Island, and that it was dangerous to trust its collection to Federal officers not known nor even accountable to the State governments.† Hamilton prepared an answer to these objections,‡ and a com-

* See Dallas, *Laws of Pennsylvania*, vol. i., p. 890; Wilson, *Acts of New Jersey*, p. 191; *Journal of the [Va.] House of Delegates*, May 30, 1781; Hening's *Statutes-at-Large*, vol. x., p. 459; *Journals of Congress*, vol. iii., pp. 594, 600, 674; Oberholtzer, *Life of Robert Morris*, pp. 184-187.

† *Rhode Island Records*, vol. ix., pp. 487, 612, 682-684; Bates, *Rhode Island and the Formation of the Union*, pp. 72-82; Staples, *Rhode Island in the Continental Congress*, p. 400.

‡ *Journals of Congress*, vol. iv., p. 200; Lodge, *Alexander Hamilton*, p. 39.

* Marshall, *Life of Washington*, vol. iv., p. 580.

mittee was appointed to proceed to Rhode Island for the purpose of strengthening the arguments contained in Hamilton's answer; but before they had started, word was received that the Virginia Assembly had repealed its act assenting to the proposed duty, also declaring that the State was unable to pay more than a small part of the Federal requisitions made upon her.* The Rhode Island delegation therefore returned, and two days later was discharged from its mission.†

By January, 1783, the Treasury had received only \$420,000 of the \$8,000,000 required by Congress from the States.‡ Morris had \$400,000 of outstanding Treasury notes to meet shortly, and as the French and Holland loans had been exhausted he had been forced to overdraw on the American bankers abroad to the extent of 3,500,000 livres or about \$600,000. The only resources on which Morris could rely to meet these drafts were the produce of a Dutch loan lately

opened by Adams, and the friendship of France,* which had resulted in the loan already mentioned of \$1,100,000, though Morris did not as yet know of this. Before making further drafts, Morris asked the sanction of Congress, which on January 10, 1783, was given,† and he was therefore able, by the sale of additional drafts, to send a month's pay to the army.

During the interval, however, because the army accounts had remained unliquidated, there was great discontent in the army. It had been sufficiently difficult to provide for the bare subsistence of the army without paying for services rendered, and Morris had been compelled, because of the lack of money, and in order to secure three months' credit, to make an advance of 30 per cent. on his contract for army supplies.‡ Many of the army officers, being destitute of private means, had become deeply in debt and were thus reduced to great distress. Soon after going into winter quarters, the army officers sent a memorial to Congress on the subject of their accounts, General McDougall and Colonels Aaron Ogden and John Brooks being deputized to present the memorial. This occurred in December, 1782. The "Address and Petition" was well calculated to

* *Journal of the House of Delegates*, pp. 55-58; *Hening's Statutes*, vol. x., pp. 459, 451, vol. xi., p. 171; also Oberholtzer, *Life of Morris*, p. 192; Hunt, *Life of Madison*, p. 38 et seq.

† Bates, *Rhode Island and the Formation of the Union*, p. 82.

‡ "Imagine," said Morris, "the situation of a man who is to direct the finances of a country almost without revenue (for such you will perceive this to be) surrounded by creditors whose distresses, while they increase their clamors, render it more difficult to appease them; an army ready to disband or mutiny; a government whose sole authority consists in the power of framing recommendations."—Wharton, *Diplomatic Correspondence of the Revolution*, vol. iv., p. 203.

* McLaughlin, *The Confederation and the Constitution*, p. 57.

† Sumner, *Robert Morris*, p. 88 et seq.; *Secret Journals of Congress*, vol. i., p. 253.

‡ Oberholtzer, *Life of Robert Morris*, p. 118.

secure definite action on the part of Congress.* It strongly urged the commutation of the half-pay stipulated in the resolution of October, 1780,† not only because it was right and just, but also because the troops were suffering from extreme hardship through poverty. The Address concluded as follows: "It would be criminal in the officers to conceal the general dissatisfaction which prevails, and is gaining ground in the army, from the pressure of evils and injuries, which, in the course of seven long years, have made their condition, in many instances, wretched. They therefore entreat, that Congress, to convince the army and the world, that the independence of America shall not be placed on the ruin of any particular class of her citizens, will point out a mode of immediate redress." Congress was plainly told that further experiment on the patience of the soldiers would be perilous in the extreme.‡

Undoubtedly some of the members of Congress were disposed to do full justice to the officers, and they felt deeply regarding the treatment accorded them; a large number of the members wished to act in a truly national spirit and manner, and faithfully to discharge all the obligations

of the confederacy. But the majority felt otherwise on the subject. They were jealous of State rights and State sovereignty, and opposed the liquidation of debts due the soldiers from the Continental treasury, urging instead that unsettled accounts be transferred to the States for payment.* A resolve was passed recognizing the claims of the public creditors, though no method of making payments of the same was suggested. Throughout the winter, Congress acted in a very unsatisfactory manner, and as late as March, 1783, nothing had been done to adjust the matter.†

The army officers were highly indignant at the course pursued by Congress and called for more energetic measures. Hamilton believed that Washington was daily growing more unpopular because he disliked unlawful measures, and that leading characters were doing everything possible to undermine his influence. Hamilton and others were not altogether sorry to see the army restless,‡ because they thought that thus Congress and the States would be brought to their senses. Hamilton wrote patronizingly to Washington that the "claims of the army, urged with moderation, but with firmness, may operate with those weak minds

* See Bancroft, vol. vi., pp. 59-60; Brooks, *Life of Knox*, p. 168.

† *Journal of Congress*, October 21, 1780, vol. vi., p. 336. See also Curtis, *Constitutional History*, vol. i., p. 108 *et seq.*

‡ *Journal of Congress*, April 29, 1783, vol. viii., pp. 225-228.

* See note in Curtis, *History of the Constitution*, vol. i., pp. 194-199.

† See Bancroft, vol. vi., pp. 61-69.

‡ Hamilton's ed. of *Hamilton's Works*, vol. i., pp. 346-348.

which are influenced by their apprehensions more than by their judgments, so as to produce a concurrence in the measures which the exigencies of affairs demand." He also hoped that Washington's influence would keep "a complaining and suffering army within the bounds of moderation."* Gouverneur Morris took a more dangerous tone, for he almost hoped the army would revolt. Writing to Jay he said: "The army have swords in their hands. You know enough of the history of mankind to know much more than I have said, and possibly much more than they themselves yet think of. I will add, however, that I am glad to see things in their present train. Depend on it, good will arise from the situation to which we are hastening,* * * although I think it probable that much of convulsion will ensue, yet it must terminate in giving government that power without which government is but a name."† Evidently the idea of Hamilton and Morris was to have the army threaten in such a way that Congress would take the steps necessary to form a more perfect union and at the same time satisfy the soldiers by paying them.

Meanwhile, however, the situation at Newburg was daily becoming more serious. On March 10, 1783, a notice of a meeting was circulated in the camp, not only fixing the time but also setting forth the object. On the

same day an anonymous "Address" to the army was issued, this being the first of the famous "Newburg Addresses."* Washington had the sagacity to see that this meeting, if held under the present excited conditions, would result in nothing good, and therefore interposed. He forbade the meeting of the soldiers at the call of an anonymous notice, but directed that the officers meet on the 15th to hear the report of their committee and to formulate such plans as were considered necessary. The next day another of the "Newburg Addresses" was issued, in which it was claimed that Washington favored the contemplated proceedings. Washington plainly perceived the necessity of his presence at the meeting, at which time he should exert all his influence to secure moderation in the proceedings. He warmly sympathized with the army, but knew at the same time that rash action would only bring shame and disgrace upon it. He therefore reasoned with the officers to secure from them promises to adopt moderate measures.

When the officers convened on the

* *Ibid.*, p. 328.

† Sparks, *Gouverneur Morris*, vol. i., p. 249.

* These addresses were written by Major, afterwards General John Armstrong (the younger) aide-de-camp to General Gates. The first and principal one will be found in Appendix II. at the end of the present chapter. See also Thacher, *Military Journal*, p. 321 *et seq.*; Brooks, *Life of Knox*, p. 172; Irving, *Life of Washington*, vol. iv., p. 436 *et seq.*; Sparks' ed. of *Washington's Writings*, vol. viii., pp. 555-558; Hatch, *Administration of the American Revolutionary Army*, pp. 161, 197-199; Sparks, *Life of Gouverneur Morris*, vol. i., p. 253.

15th, General Gates was placed in a chair, and Washington then arose to speak to them. "My eyes," he said, "have grown dim in my country's service, but I never doubted of its justice." He then read the address which he had prepared,* and gave them much wise and earnest advice, saying that they should not tarnish the good name earned in so many hard fought battles by rash and hasty action. Pledging himself to use his utmost endeavors in their behalf, he urged that they rely upon the faith of the United States, which, he said, would undoubtedly be sacredly preserved.† When he had finished his address,‡ tears were in many eyes and he was allowed to depart in silence.¶ No word of opposition to his paternal counsel was spoken, and resolves were adopted in accordance with the spirit manifested in his

address. It was declared that the army still had unshaken confidence in the justice of Continental Congress and the country at large, and "viewed with abhorrence, and rejected with disdain, the infamous proposition contained in the late anonymous address to the officers of the army."* Mr. Curtis says: "Even at this distant day the peril of that crisis can scarcely be contemplated without a shudder. Had the commander-in-chief been other than Washington, had the leading officers by whom he was surrounded been less than the noblest of patriots, the land would have been deluged with the blood of a civil war. But men who had suffered what the great officers of the Revolution had suffered, had learned the lesson of self-control which suffering teaches. The hard school of adversity in which they had passed so many years made them sensible to an appeal, which only such a chief as Washington could make."† On March 18, 1783, in accordance with his promise, Washington wrote an energetic letter to Congress‡ in which he says: "The result of the proceedings of the grand convention of the officers, which I have the honor of enclosing to your

* See Appendix II., at the end of the present chapter. See also Thacher, *Military Journal*, pp. 325-329; *Journals of Congress*, vol. viii., pp. 180-183; Sparks, *Life of Washington*, p. 361 et seq.; Irving, vol. iv., p. 440 et seq.

† Lodge, *George Washington*, vol. i., p. 327. See also Fiske, *Critical Period of American History*, pp. 109-112.

‡ "It was happy for the army and country, that when his Excellency had finished and withdrawn, no one rose and observed: 'That General Washington was about to quit the military line laden with honor, and that he had a considerable estate to support him with dignity, but that their case was very different.' Had such ideas been thrown out, and properly enlarged upon, the meeting would probably have concluded very differently." Gordon, *History of the American Revolution*, vol. iii., p. 361.

¶ Bancroft, vol. vi., pp. 70-74; Quincy, *Memoir of Major Shaw*, p. 104; Lossing, *Life of Schuyler*, vol. ii., p. 427, note.

* Thacher, *Military Journal*, pp. 329-331, where the entire resolution is given. See also Lossing, *Field-Book of the Revolution*, vol. i., pp. 674-679; Brooks, *Life of Knox*, p. 173.

† Curtis, *Constitutional History*, vol. i., pp. 113-114.

‡ Sparks' ed. of Washington's *Writings*, vol. viii., p. 396.

Excellency, for the inspection of Congress, will, I flatter myself, be considered as the last glorious proof of patriotism which could have been given, by men who aspired to the distinction of a patriot army, and will not only confirm their claim to the justice, but will increase their title to the gratitude, of their country." His concluding words are:

"If, besides the simple payment of their wages, a further compensation is not due to the sufferings and sacrifices of the officers, then have I been mistaken indeed. If the whole army have not merited whatever a grateful people can bestow, then have I been beguiled by prejudice, and built opinion on the basis of error. If this country should not, in the event, perform everything which has been requested in the late memorials to Congress, then will my belief become vain, and the hope that has been excited void of foundation. And if, as has been suggested, for the purpose of inflaming their passions, the officers of the army are to be the only sufferers by this

Revolution; if, retiring from the field, they are to grow old in poverty, wretchedness, and contempt; if they are to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity which has hitherto been spent in honor; then shall I have learned what ingratitude is; then shall I have realized a tale which will embitter every moment of my future life. But I am under no such apprehensions; a country rescued by their arms from impending ruin, will never leave unpaid the debt of gratitude." *

On March 22, 1783, Congress therefore passed resolutions providing that the half pay for life granted to the soldiers should be commuted to five years' full pay after the close of the war,† to be received at the option of Congress or in securities given to other creditors of the United States. By the following July the accounts of the army were finally made up and adjusted.‡

APPENDIX TO CHAPTER XXXII.

I. THE NEWBURG ADDRESSES.

TO THE OFFICERS OF THE ARMY.

GENTLEMEN: A fellow-soldier, whose interest and affections bind him strongly to you—whose past sufferings have been as great, and whose future fortune may be as desperate, as yours—would beg leave to address you.

Age has its claims, and rank is not without its pretensions to advise, but, though unsupported by both, he flatters himself that the plain language of sincerity and experience will neither be unheard nor unregarded.

Like many of you, he loved private life, and left it with regret. He left it, determined to retire from the field, with the necessity that called him to it, and not till then—not till the enemies of his country, the slaves of power, and the hirelings of injustice, were compelled to abandon their schemes, and acknowledge America as terrible in arms as she had been humble in remonstrance. With this object in view, he has long

shared in your toils and mingled in your dangers. He has felt the cold hand of poverty without a murmur, and has seen the insolence of wealth without a sigh. But too much under the direction of his wishes, and sometimes weak enough to mistake desire for opinion, he has till lately—very lately—believed in the justice of his country. He hoped that, as the clouds of adversity scattered, and as the sunshine of peace and better

* Irving, *Life of Washington*, vol. iv., pp. 445-447.

† *Journals of Congress*, March 22, 1783; Bancroft, vol. vi., p. 75; Thacher, *Military Journal*, pp. 331-332; Hamilton's letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. iv., p. 8.

‡ See the note in Curtis *History of the Constitution*, vol. i., pp. 190-194.

fortune broke in on us, the coldness and severity of government would relax, and that more than justice, that gratitude, would blaze forth on those hands which had upheld her, in the darkest stages of her passage from impending servitude to acknowledged independence. But faith has its limits, as well as temper, and there are points beyond which neither can be stretched, without sinking into cowardice or plunging into credulity. This, my friends, I conceive to be your situation: hurried to the very edge of both, another step would ruin you forever. To be tame and unprovoked when injuries press hard on you, is more than weakness; but to look up for kinder usage, without one manly effort of your own, would fix your character, and show the world how richly you deserve those chains you broke. To guard against this evil, let us take a review of the ground on which we now stand, and thence carry our thoughts forward for a moment, into the unexplored field of experiment.

After a pursuit of seven long years, the object for which we set out is at length brought within our reach—yes, my friends, that suffering courage of yours was active once: it has conducted the United States of America through a doubtful and bloody war. It has placed her in the chair of independency, and peace returns again to bless—whom? A country willing to redress your wrongs, cherish your worth, and reward your services? A country courting your return to private life, with tears of gratitude and smiles of admiration, longing to divide with you that independency which your gallantry has given, and those riches which your wounds have preserved? Is this the case? or is it rather a country that tramples on your rights, disdains your cries, and insults your distresses? Have you not more than once suggested your wishes, and made known your wants to Congress?—wants and wishes which gratitude and policy should have anticipated rather than evaded; and have you not lately, in the meek language of entreating memorials, begged from their justice what you could no longer expect from their favor? How have you been answered? Let the letter which you are called to consider to-morrow reply.

If this, then, be your treatment, while the swords you wear are necessary for the defence of America, what have you to expect from peace, when your voice shall sink, and your strength dissipate by division?—when those very swords, the instruments and companions of your glory, shall be taken from your sides, and no remaining mark of military distinction be left but your

wants, infirmities, and scars? Can you, then, consent to be the only sufferers by this Revolution, and, retiring from the field, grow old in poverty, wretchedness, and contempt? Can you consent to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity which has hitherto been spent in honor? If you can, go—and carry with you the jest of Tories and the scorn of Whigs; the ridicule, and, what is worse, the pity of the world. Go—starve, and be forgotten! But if your spirit should revolt at this; if you have sense enough to discover, and spirit enough to oppose tyranny under whatever garb it may assume; whether it be the plain coat of republicanism, or the splendid robe of royalty; if you have not yet learned to discriminate between a people and a cause, between men and principles—awake; attend to your situation, and redress yourselves. If the present moment be lost, every future effort is in vain; and your threats then, will be as empty as your entreaties now.

I would advise you, therefore, to come to some final opinion on what you can bear, and what you will suffer. If your determination be in any proportion to your wrongs, carry your appeal from the justice, to the fears of government. Change the milk-and-water style of your last memorial; assume a bolder tone—decent, but lively, spirited and determined, and suspect the man who would advise to more moderation and longer forbearance. Let two or three men who can feel as well as write, be appointed to draw up your *last remonstrance*; for I would no longer give it the suling, soft, unsuccessful epithet of memorial. Let it be represented in language that will neither dishonor you by its rudeness, nor betray you by its fears, what has been promised by Congress, and what has been performed—how long and how patiently you have suffered—how little you have asked, and how much of that little has been denied. Tell them that, though you were the first, and would wish to be the last to encounter danger, though despair itself can never drive you into dishonor, it may drive you from the field; the wound often irritated, and never healed, may at length become incurable; and that the slightest mark of indignity from Congress now must operate like the grave, and part you forever; that in any political event, the army has its alternative. If peace, that nothing shall separate you from your arms but death; if war, that, courting the auspices and inviting the directions of your illustrious leader, you will retire to some unsettled country, smile in your turn, and “mock when

their fear cometh." But let it represent, also that should they comply with the request of your late memorial, it would make you more happy, and them more respectable; that while war should continue, you would follow their standard

into the field, and when it came to an end, you would withdraw into the shade of private life, and give the world another subject of wonder and applause; an army victorious over its enemies — victorious over itself.

II. WASHINGTON'S ADDRESS TO THE OFFICERS OF THE ARMY.

GENTLEMEN: By an anonymous summons, an attempt has been made to convene you together. How inconsistent with the rules of propriety, how unmilitary, and how subversive of all order and discipline, let the good sense of the army decide.

In the moment of this summons, another anonymous production was sent into circulation, addressed more to the feelings and passions than to the judgment of the army. The author of the piece is entitled to much credit for the goodness of his pen; and I could wish he had as much credit for the rectitude of his heart; for, as men see through different optics, and are induced by the reflecting faculties of the mind to use different means to attain the same end, the author of the address should have had more charity than to "mark for suspicion the man who should recommend moderation and longer forbearance;" or, in other words, who should not think as he thinks, and act as he advises. But he had another plan in view, in which candor and liberality of sentiment, regard to justice and love of country, have no part; and he was right to insinuate the darkest suspicion to effect the blackest design. That the address was drawn with great art, and is designed to answer the most insidious purposes; that it is calculated to impress the mind with an idea of premeditated injustice in the sovereign power of the United States, and rouse all those resentments which must unavoidably flow from such a belief; that the secret mover of this scheme, whoever he may be, intended to take advantage of the passions, while they were warmed by the recollection of past distresses, without giving time to cool, deliberative thinking, and that composure of mind which is so necessary to give dignity and stability to measures, is rendered too obvious, by the mode of conducting the business, to need other proof than a reference to the proceedings.

Thus much, gentlemen, I have thought it incumbent on me to observe to you, to show on what principles I opposed the irregular and hasty meeting which was proposed to have been held on Tuesday last, and not because I wanted a disposition to give you every opportunity, consistently with your own honor and the dignity of the army, to make known your grievances. If

my conduct heretofore has not evinced to you that I have been a faithful friend of the army, my declaration of it at this time would be equally unavailing and improper. But as I was among the first who embarked in the cause of our common country; as I have never left your side one moment, but when called from you on public duty; as I have been the constant companion and witness of your distresses, and not among the last to feel and acknowledge your merits; as I have ever considered my own military reputation as inseparably connected with that of the army; as my heart has ever expanded with joy when I have heard its praises, and my indignation has arisen when the mouth of detraction has been opened against it; it can scarcely be supposed at this last stage of the war that I am indifferent to its interests. But how are they to be promoted? The way is plain, says the anonymous addresser: "If war continues, remove into the unsettled country, there establish yourselves, and leave an ungrateful country to defend itself!" But who are they to defend?—our wives, our children, our farms and other property which we leave behind us? or in this state of hostile separation, are we to take the two first—the latter cannot be removed—to perish in a wilderness, with hunger, cold and nakedness?

"If peace takes place, never sheathe your swords," says he, "till you have obtained full and ample justice." This dreadful alternative of either deserting our country in the extremest hour of her distress, or turning our arms against it, which is the apparent object, unless Congress can be compelled into instant compliance, has something so shocking in it, that humanity revolts at the idea. My God! what can this writer have in view, by recommending such measures? Can he be a friend to the army? Can he be a friend to this country? Rather, is he not an insidious foe—some emissary, perhaps, from New York—plotting the ruin of both, by sowing the seeds of discord and separation between the civil and military powers of the continent? And what a compliment does he pay our understandings, when he recommends measures, in either alternative, impracticable in their nature? But here, gentlemen, I will drop the curtain, because

it would be as imprudent in me to assign my reasons for this opinion, as it would be insulting to your conception to suppose you stood in need of them. A moment's reflection will convince every dispassionate mind of the physical impossibility of carrying either proposal into execution. There might, gentlemen, be an impropriety in my taking notice, in this address to you, of an anonymous production; but the manner in which this performance has been introduced to the army; the effect it was intended to have, together with some other circumstances, will amply justify my observations on the tendency of this writing.

With respect to the advice given by the author, to suspect the man who shall recommend moderate measures and longer forbearance, I spurn it, as every man who regards that liberty and reveres that justice for which we contend, undoubtedly must; for if men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences that can invite the consideration of mankind, reason is of no use to us. The freedom of speech may be taken away, and, dumb and silent, we may be led, like sheep to the slaughter. I cannot in justice to my own belief, and what I have great reason to conceive is the intention of Congress, conclude this address without giving it as my decided opinion, that that honorable body entertain exalted sentiments of the services of the army, and, from a full conviction of its merits and sufferings, will do it complete justice. That their endeavors to discover and establish funds for this purpose have been unwearied, and will not cease till they have succeeded, I have not a doubt.

But, like all other large bodies, where there is a variety of different interests to reconcile, their determinations are slow. Why then should we distrust them? and in consequence of this distrust, adopt measures which may cast a shade over that glory which has been so justly acquired, and tarnish the reputation of an army which is celebrated through all Europe for its fortitude and patriotism? And for what is this done? — to bring the object we seek nearer? No; most certainly, in my opinion, it will cast it at a greater distance. For myself, (and I take no merit in giving the assurance, being induced to it from principles of gratitude, veracity, and justice, and a grateful sense of the confidence you have ever placed in me) a recollection of the cheerful assist-

ance and prompt obedience I have experienced from you, under every vicissitude of fortune, and the sincere affection I feel for an army I have so long had the honor to command, will oblige me to declare, in this public and solemn manner that in the attainment of complete justice for all your trials and dangers, and in the gratification of every wish, so far as may be done consistently with the great duty I owe my country, and those powers we are bound to respect, you may freely command my services to the utmost extent of my abilities.

While I give you these assurances, and pledge myself, in the most unequivocal manner, to exert whatever abilities I am possessed of in your favor, let me entreat you, gentlemen, on your part, not to take any measures which, viewed in the calm light of reason, will lessen the dignity and sully the glory you have hitherto maintained. Let me request you to rely on the plighted faith of your country, and place a full confidence in the purity of the intentions of Congress; that, previous to your dissolution as an army, they will cause all your accounts to be fairly liquidated, as directed in the resolutions which were published to you two days ago; and that they will adopt the most effectual measures in their power to render ample justice to you for your faithful and meritorious services. And let me conjure you, in the name of our common country, as you value your own sacred honor; as you respect the rights of humanity; and as you regard the military and national character of America; to express your utmost horror and detestation of the man who wishes, under any specious pretences, to overturn the liberties of our country; and who wickedly attempts to open the flood-gates of civil discord, and deluge our rising empire in blood.

By thus determining, and thus acting, you will pursue the plain and direct road to the attainment of your wishes; you will defeat the insidious designs of our enemies, who are compelled to resort from open force to secret artifice. You will give one more distinguished proof of unexampled patriotism and patient virtue, rising superior to the pressure of the most complicated sufferings; and you will, by the dignity of your conduct, afford occasion for posterity to say, when speaking of the glorious example you have exhibited to mankind. "Had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

CHAPTER XXXIII.

1782-1783.

PEACE CONCLUDED.

Early efforts for Peace — Lord Chatham's Speech — North's ministry resigns — Rockingham becomes Secretary of the Treasury and Shelburne Secretary of State — General Carleton arrives in New York — Dispute between Fox and Shelburne — Ministers appointed by Congress to various countries — The position of France — Oswald's conference with Franklin — The latter's suggestion — Oswald forced to secure revised commission — Jay's suspicion of Vergennes — Marbois' letter — Rayneval's mission — Vergennes' complaint of course adopted by the Americans — Franklin's answer — The negotiations and final conclusion of treaty — Preliminaries signed — Satisfaction created by news of treaty — Independence of United States acknowledged by various countries — The definitive treaty of peace.

The repeated defeats of the British in America had caused amazement and consternation in England. The first successes of the war had elated the ministry, and it was believed that the war would be of short duration. Cornwallis' surrender, however, had convinced the ministry that the United States could not be subdued by force, and that the Americans were bound to secure independence no matter how long it required. The ministry therefore came to the conclusion that the contest was as unprofitable as it was hopeless of any good result.

After Burgoyne's surrender the British ministry made various indirect advances to Franklin through correspondence of his old friends in London and by secret visits to him.* But as these overtures had for their object the separation of America from the French alliance and a reconciliation between the colonies and the Mother

Country,* they came to naught as neither condition could be accepted. The king and cabinet had firmly resolved that the colonies should return to British allegiance, and the most devoted friends of America in England fondly cherished the hope that such would be the case. Even Lord Chatham had said:

"My Lords, I rejoice that the grave has not closed upon me, that I am still alive to lift up my voice against the dismemberment of this ancient and most noble monarchy. * * * Where is the man that will dare advise such a measure? * * * Shall this kingdom, that has survived whole and entire the Danish depredations, the Scottish inroads, and the Norman conquests, that has stood the threatened invasion of the Spanish Armada, now fall prostrate before the House of Bourbon? Surely, my Lords, this nation is no longer what it was. Shall such a people that seventeen years ago was the terror of the world, now stoop so low as to tell its ancient, inveterate enemy — take all we have, only give us peace? It is impossible."

But Chatham's eloquence could not obscure the fact that peace was a

* Moore, *American Diplomacy*, p. 25; John Adams, *Works*, vol. iii., pp. 177-181.

* See the letters of John Adams to the President of Congress, and others in his *Works*, vol. vii., pp. 180-186, 236 *et seq.*, 253, 339-341, 417-419, 427-430, 436-434, 436-439, 440, 441-443, 444-445, 446-450, 450-452, 453-455, 560, 570.

necessity to England — with three of the greatest powers of the age in Europe and her most populous colonies in arms against her and with all the European nations unfriendly. The Russian and Austrian courts interposed to bring about a general peace, but the British ministry could not relinquish the hope of detaching the United States from the general negotiations.*

On November 27, 1781, Parliament convened, and in his speech from the throne the king urged that the war be prosecuted with renewed vigor.† The answers of both houses were in accord with the spirit displayed by the king, but the debates were very animated, and the feeling throughout the country clearly pointed against the continuance of the war. On February 22, 1782, after the recess, General Conway introduced a resolution against the further prosecution of the war in America.‡ On that day the motion was lost by a single vote, but

when it was taken under consideration again a few days later it was carried and the address was sent to the king.* On March 4, the Commons resolved "that the House would consider as enemies to his majesty and the country, all those who should advise, or attempt the further prosecution of an offensive war on the continent of North America." Consequently, as the country seemed to have lost confidence in the ministry, Lord North and his associates resigned their offices on the 20th.† With Lord North's resignation disappeared all purpose of conquering the colonies and all hope of maintaining in its impurities the personal and arbitrary government of George III.‡ Though the king hated the Whig party, of whom the Marquis of Rockingham was the leader, he was finally compelled to accept a new administration headed by Rockingham as Secretary of the Treasury.|| Lord Shelburne was appointed Secretary of State for the home and colonial departments, and Charles

* Foster, *A Century of American Diplomacy*, pp. 53-54.

† Fisher, *Struggle for American Independence*, vol. ii., pp. 507-508.

‡ The last day of the year 1781 witnessed the release of Henry Laurens from the Tower of London. He had been incarcerated early in October, 1780, and was treated with great injustice and harshness. Various efforts were made to induce him to yield, but he steadfastly resisted them all. The "long and painful farce," as Dr. Ramsey calls it, ended with Laurens' unconditional release. See *A Narrative of the Capture of Henry Laurens, of His Confinement in the Tower of London, and So Forth, 1780, 1781, 1782*, in *Collections of the South Carolina Historical Society*, vol. i., pp. 18-68, and the documents, letters, etc., in same, pp. 69-83.

* Bancroft, vol. v., p. 530; Parton, *Life of Franklin*, vol. ii., pp. 452-458.

† Bancroft, p. 531; Fisher, *Struggle for American Independence*, vol. ii., pp. 512-513.

‡ W. B. Donne, *Correspondence of King George III. with Lord North 1768-1783*, vol. ii., pp. 393-398.

|| Albemarle (George Thomas, Earl of), *Memoirs of the Marquis of Rockingham*, vol. ii., pp. 451-464; Hale, *Franklin in France*, vol. ii., p. 48; Bancroft, vol. v., pp. 532-534; Donne, *Correspondence of George III. with Lord North*, vol. ii., p. 415.

James Fox became Secretary of State for foreign affairs.*

One of the first measures of the new administration was to appoint Sir Guy Carleton commander-in-chief of the British forces in America in the place of Sir Henry Clinton and to authorize Admiral Digby and Carleton to negotiate for peace. One of the objects in making these appointments was to secure from Congress an agreement for peace separate from their allies. Early in May, Carleton arrived in New York, and, informing Washington of the new powers conferred upon him, requested a passport for his secretary so that he might present the dispatches of the ministry to Congress. Washington immediately forwarded the communication to Congress, but at that time the bill enabling the king to conclude peace with America had not become a law. Moreover, as there was no positive assurance that the commissioners had power to grant any other terms than those which had already been rejected; as Congress suspected that this move was simply a ruse to gain time; and as it was resolved not to enter into any treaties without the consent of the allies, the passport was refused.†

Fox and Shelburne were incompat-

ible in temperament and each was suspicious of the other, the one fearing that the other would assume authority in matters pertaining to his department. Thus they dissented on the manner in which the colonies should be treated in the future negotiations for peace. Fox claimed that on May 23 the cabinet had adopted a minute which practically recognized America as independent, and therefore, if the American commissioners represented an independent country, the negotiations would naturally fall under his (Fox's) jurisdiction. Shelburne, however, disagreed with Fox's construction of the minute and claimed that the colonies could not be independent until after the treaty of peace; therefore the negotiations properly came into his department. The dispute was soon settled, for on July 1, 1782, Rockingham died and was succeeded by Shelburne. Fox immediately resigned.* Shelburne was in perfect accord with the king's determination to prevent an open and absolute recognition of American independence.†

* McLaughlin, *The Confederation and the Constitution*, pp. 5-6.

† Fisher, *Struggle for American Independence*, vol. ii., p. 533. Dr. Franklin left upon one of his papers the following memorandum: "Immediately after the death of Lord Rockingham, the king said to Lord Shelburne, 'I will be plain with you, the point next to my heart, and which I am determined, be the consequence what it may, never to relinquish but with my crown and life, is to prevent a total, unequivocal recognition of the independence of America. Promise to support me on this ground, and I will leave you unmolested on every other, and with full power as the prime minister of the kingdom.'"

* Andrew C. McLaughlin, *The Confederation and the Constitution*, p. 5.

† Fisher, *Struggle for American Independence*, vol. ii., p. 524. See also Ford's ed. of *Washington's Writings*, vol. x., pp. 2, 6, 8-11, 30; Gordon, *American Revolution*, vol. iv., pp. 291-294 (ed. 1788).

Congress had already made preparations for peace. John Adams had been appointed commissioner a long time previous,* but as his business soon involved him in difficulties with Vergennes, four additional commissioners were appointed: Franklin, Jay, Henry Laurens and Jefferson.† Upon the shoulders of Franklin and Jay rested the chief responsibility of negotiating a peace treaty, and their principal fear was that France would feel offended if negotiations with England were conducted independently. For some time France had sustained the war in America both by money and troops, and she was practically the head of the Armed Neutrality which was formed to fight England. Vergennes therefore feared that the machine which he had organized in opposition to England would crumble to pieces upon the conclusion of the war and that France would gain nothing for her share in bringing independence to America, except ruined finances and the qualified friendship of America. Spain

* For the overtures to Adams from the English ministry see John Adams, *Works*, vol. i., p. 355 *et seq.*

† *Secret Journal of Congress*, June 13, 14, 1781; John Adams, *Works*, vol. vii., p. 486. Jefferson, however, never left America (Ford's ed. of *Jefferson's Writings*, vol. i., p. 72, vol. iii., pp. 49-50, 307-309, 310-314, 315-316); at the time of his appointment Laurens was a prisoner in London; and Adams did not arrive at Paris until October, being busy negotiating a treaty at The Hague. Neither Adams or Laurens therefore took a prominent part in the earlier negotiations. For some time Jay had been in Spain seeking acknowledgment of independence and also a loan and did not arrive in Paris until June 23.

was only eager to acquire territory for herself, which was the chief motive impelling her to enter the alliance. Being anxious that the American commissioners should not leave France in the lurch by making an independent treaty, the French envoy in America induced Congress to instruct the commissioners that they should "make the most candid and confidential communications upon all subjects to the ministers of our general ally, the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence, and ultimately to govern [themselves] by their advice and opinion."*

In the meantime, shortly after the new ministry assumed office in England, Richard Oswald was sent to France to sound the court and also Franklin on the subject of peace.† In April Oswald went to Paris, and shortly afterward was followed by Thomas Grenville, who consulted with Vergennes regarding preliminaries for a general peace between the belligerent powers.‡ During the negotiations the British court acted with a sort of sullen acquiescence in results which they had not the power

* *Secret Journals of Congress*, June 15, 1781; Wharton, *Diplomatic Correspondence of the Revolution*, vol. iv., p. 505; Pellew, *John Jay*, pp. 144-163.

† Parton, *Life of Franklin*, vol. ii., p. 456; Foster, *Century of American Diplomacy*, pp. 54, 57; John Adams, *Works*, vol. i., p. 358.

‡ Hale, *Franklin in France*, vol. ii., p. 54 *et seq.*; Fiske, *Critical Period of American History*, pp. 12-13; John Adams, *Works*, vol. i., p. 359.

to prevent, and they endeavored to perplex the negotiations as much as possible by interposing annoying difficulties, etc.; they also endeavored to deprive the United States of every advantage which could be wrested from them.* Vergennes informed Oswald that the French court were ready to treat for peace, but could do nothing without the consent of all the allies. He also expressed the desire that Paris be the meeting-place.

When Oswald opened negotiations with Franklin, the latter suggested that England relinquish Canada of her own accord,† but Shelburne informed Oswald that under no conditions would reparation be made; he furthermore said that “no independence [would] be acknowledged without their [the loyalists] being taken care of.” Oswald was instructed to insist upon the payment of all debts due English subjects and the restoration of the Loyalists to the full enjoyment of all their rights and privileges. Moreover, the English territory was to extend as far as the Penobscot.‡ These subjects furnished the main topics to be discussed in the

peace negotiations, the Newfoundland fishery dispute being added subsequently. On April 18 Oswald went back to London, and on May 4 returned to Paris with the assent of the British cabinet to treat of a general peace, the meetings to take place at Paris. He was authorized to treat with the commissioners of the “colonies or plantations,” and to conclude with “any person or persons whatsoever, a peace or truce with the said colonies or plantations.”*

Jay did not think Oswald’s commission suitable, for the United States had long since ceased to be colonies or plantations, but Franklin considered the commission satisfactory, and Vergennes agreed with him. Adams’ opinion coincided with Jay’s. The attitude of Vergennes in this matter did not in the least please Jay, who suspected that France intended to make every possible use of America and then cast her off in favor of Spain.† Referring to the arguments advanced by Vergennes, Jay said in a letter: “Neither of these considerations had weight with me; for as to the first, I could not conceive of any event which would render it proper, and therefore possible, for America to treat in any other character than as an independent nation; and as to the

* On the negotiations leading up to England’s consent to arbitrate, see Bancroft, vol. v., pp. 461-475, 525-544, and on the final negotiations, see pp. 545-553, 562-581. See also J. B. Moore, *International Arbitrations*, vol. i., chaps. i.-vi.

† Wharton, *Diplomatic Correspondence of the Revolution*, vol. v., p. 541; Fitzmaurice, *Life of Shelburne*, vol. iii., pp. 243-244; Pellew, *John Jay*, p. 173.

‡ Lord Fitzmaurice, *Life of William, Earl of Shelburne*, vol. iii., pp. 188-189; Fisher, *Struggle for American Independence*, vol. ii., p. 537.

* Hale, *Franklin in France*, vol. ii., p. 50; Fisher, *Struggle for American Independence*, vol. ii., p. 536 *et seq.*; Fitzmaurice, *Life of Shelburne*, vol. iii., p. 249; John Adams, *Works*, vol. vii., pp. 632, 641.

† Parton, *Life of Franklin*, vol. ii., p. 480 *et seq.*; Pellew, *John Jay*, pp. 175-181.

second, I could not believe Congress intended we should follow any advice which might be repugnant to their dignity and interest."* He therefore insisted that Oswald secure a new commission, and, as Franklin now yielded his assent to Jay's demand, Oswald was forced to comply before the Americans would begin the formal negotiations.† Franklin was inclined to take the view of Vergennes that Jay was insisting on too fine points and that his scruples were needless, but Jay disliked the least appearance of subserviency to France, saying: "Let us be honest and grateful to France, but let us think for ourselves. * * * Since we have assumed a place in the political firmament, let us move like a primary and not a secondary planet."‡

* Wharton, *Diplomatic Correspondence of the Revolution*, vol. vi., p. 20; Pellew, *John Jay*, pp. 181-183.

† Morse, *Life of Franklin*, p. 367 *et seq.*; John Adams, *Works*, vol. i., pp. 365-367; vol. iii., pp. 299, 301, vol. vii., pp. 606-607, 610, 660-663, 665. See also Oswald's journal as quoted by Hale, *Franklin in France*, vol. ii., p. 107 *et seq.*; Fisher, *Struggle for American Independence*, vol. ii., pp. 538-540; Foster, *Century of American Diplomacy*, pp. 73-74.

‡ See also Adams' letter of October 31, 1782, to Livingston, in Adams' *Works*, vol. vii., p. 653. Gouverneur Morris fiercely resented such servile subserviency, and in a letter to Jay denounced Congress with considerable warmth, saying: "That the proud should prostitute the very little dignity this poor country is possessed of would be indeed astounding, if we did not know the near alliance between pride and meanness. Men who have too little spirit to demand of their constituents that they do their duty, who have sufficient humility to beg a paltry pittance at the hands of any and every sovereign,—such men will always be ready

At this juncture Jay came into possession of a letter written by Marbois, secretary of the French legation in America, to Vergennes which tended to confirm his suspicion of the French court. The letter criticized the United States in general, and in particular the opposition of Samuel Adams to any treaty which did not assure to the States the right to the Newfoundland fisheries.* Jay now felt certain that France intended not only to prevent America from obtaining a share in the fisheries but also to limit westward extension, and that Vergennes was playing double between Spain and the United States. He knew Spain desired to exclude the Americans from the Gulf of Mexico, and to do this she must keep the States from acquiring territory, and confine them to the region east of the summits of the Appalachian Mountains.† Gérard Rayneval, one of Vergennes' secretaries, now approached Jay on the subject of the boundaries, saying that America was presumptuous in laying claim to the West. He said the American demands were ill-founded and should be materially curtailed.‡ He subsequently sent to Jay a memoir

to pay the price which vanity shall demand from the vain."—See Roosevelt, *Gouverneur Morris*, p. 120.

* Wharton, *Diplomatic Correspondence of the Revolution*, vol. v., pp. 238-241; John Adams, *Works*, vol. i., p. 368; Parton, *Life of Franklin*, vol. ii., p. 483; Pellew, *John Jay*, pp. 188-189.

† McLaughlin, *The Confederation and the Constitution*, p. 14.

‡ John Adams, *Works*, vol. i., p. 373.

in which he urged that Spain and the United States compromise their claims. He proposed a western limit to American territory which would have cut off the whole Mississippi Valley.* The land south of the Ohio was to be divided into two parts, the United States having an undefined control over the eastern portion, which did not even extend to the Mississippi, while over the land north of the Ohio, Spain was to have no jurisdiction. From the tenor of the memoir Jay came to the conclusion that France intended to see that Spain obtained all the land she desired and that England might have the residue.† Regarding the navigation of the Mississippi and the western territory the American commissioners had been instructed that it was not necessary to insist upon the right to use the river, nor to demand title to the West,‡ but Jay, convinced of the insincerity of France, determined that we should have this right.

Jay now learned that Rayneval had secretly gone to England, and believing that the object of his visit was to

influence Shelburne against America on all the points at issue* he sent Benjamin Vaughan, a friend of Franklin, to England to counteract this adverse influence and to persuade the British cabinet that they could without any scruples negotiate with America alone.† Jay said that the commissioners were fully determined to live up to the letter of the treaty between the United States and France, but that they were not bound to follow whatever construction the French court might place upon that treaty.‡

As the result of Jay's determina-

* Jay, *Correspondence and Public Papers*, vol. ii., p. 402. In a measure Jay was mistaken about this, for this was not the avowed object of the visit. He was instructed to ascertain if Shelburne's letter regarding peace was to be taken seriously, but at the same time he did not hesitate to speak disparagingly concerning the Americans. Pellew, *John Jay*, pp. 193-195; Fitzmaurice, *Life of Shelburne*, vol. iii., pp. 263-268; Wharton, *Diplomatic Correspondence of the Revolution*, vol. v., p. 821; Sparks, *Diplomatic Correspondence of the Revolution*, vol. viii., p. 209; Foster, *Century of American Diplomacy*, pp. 61-62; John Adams, *Works*, vol. i., pp. 368-370, vol. iii., p. 308. See however, Rayneval's letter to Monroe, quoted in Madison's *Works* (Congress ed.), vol. iii., pp. 462-470.

† Pellew, *John Jay*, pp. 191-192. In writing to Livingston, Secretary of Foreign Affairs of Congress, Jay said: "It would have relieved me from much anxiety and uneasiness to have concerted all these steps with Dr. Franklin, but in conversing with him about M. Rayneval's journey, he did not concur with me in sentiment respecting the object of it, but appeared to me to have great confidence in this court and to be much embarrassed and constrained by our instructions."—Wharton, *Diplomatic Correspondence of the Revolution*, vol. vi., p. 32.

‡ Jay, *Correspondence and Public Papers*, vol. ii., pp. 405, 407; Fiske, *Critical Period of American History*, pp. 21-22.

* Jay, *Correspondence and Public Papers* (Johnston's ed.), vol. ii., pp. 394-398; Rayneval, *Idea on the Manner of Determining and Fixing the Limits between Spain and the United States on the Ohio and on the Mississippi*, in the *Secret Journals of Congress*, vol. iv., pp. 74-80.

† Jay, *Correspondence and Public Papers*, p. 398. For maps showing the boundaries of the United States, Canada and the Spanish possessions as proposed by France, see Foster, *A Century of American Diplomacy*, p. 60; Ogg, *Opening of the Mississippi*, p. 394.

‡ Wharton, *Diplomatic Correspondence of the Revolution*, vol. v., pp. 476-477.

tion in this matter, the negotiations proceeded along the lines he indicated, and the provisional articles were agreed upon without consulting the French court. Mr. Adams was in hearty accord with Jay,* and finally Franklin took sides with the other two.† While the commissioners violated their instructions for which there were numbers at home to censure them, still it can be asserted that what they did was perfectly right under the circumstances, and in the end the best they could do to serve their country's interest.‡

Vergennes complained of the conduct of the American commissioners in a note to Franklin, saying: "I am at a loss to explain your conduct and that of your colleague on this occasion. You have concluded your preliminary articles without any communication between us, although the instructions from Congress prescribe that nothing shall be done without the participation of the king."

* * * You are wise and discreet,

* For Adam's views regarding the course of the French court, see John Adams, *Works*, vol. i., pp. 392-395.

† John Adams, *Works*, vol. iii., p. 336.

‡ Morse, *Life of Franklin*, p. 373; Hale, *Franklin in France*, vol. ii., pp. 84-85, 125 et seq.; John Adams, *Works*, vol. i., pp. 340-342, 363-376, vol. viii., pp. 86-89; Wharton, *Diplomatic Correspondence*, vol. i., Introduction, §§ 109-111; Winsor, *Narrative and Critical History*, vol. vii., chap. ii.; Prescott, *Diplomacy of the United States*, vol. i., pp. 100-106, 118-128; Wheaton, *International Law* (ed. Dana), §§ 257-262; Hall, *International Law* (4th ed.), p. 347; Lecky, *England in the Eighteenth Century*, vol. iv., pp. 255-264.

Sir; you have all your life performed your duties. I pray you to consider how you propose to fulfill those which are due to the king."* Franklin was requested by the other commissioners to make reply in behalf of all. In answer therefore, he said: "Nothing has been agreed, in the preliminaries, contrary to the interests of France, and no peace is to take place between us and England till you have concluded yours. Your observation is, however, apparently just—that in not consulting you before they were signed, we have been guilty of neglecting a point of *bienséance*. But as this was not from want of respect for the king, whom we all love and honor, we hope it will be excused, and that the great work which has hitherto been so happily conducted, which is so nearly brought to perfection, and is so glorious to his reign, will not be ruined by a single indiscretion of ours."†

In a letter to Luzerne, the French minister in America, Vergennes speaks of this subject and says that Franklin's apology very much softened the displeasure of the French court.‡ He says: "I blame no one,

* Wharton, *Diplomatic Correspondence of the Revolution*, vol. vi., p. 140. See also the letter to Franklin, in Morse, *Life of Franklin*, p. 379.

† Wharton, *Diplomatic Correspondence of the Revolution*, vol. vi., p. 144. Moore says that no paper ever written by Franklin more advantageously displays his marvelous skill than his reply to these reproaches.—*American Diplomacy*, p. 31.

‡ Parton, *Life of Franklin*, vol. ii., p. 501 et

not even Dr. Franklin. He has yielded too easily to the bias of his colleagues, who do not pretend to recognize the rules of courtesy in regard to us. * * * If we may judge of the future from what has passed here under our eyes, we shall be poorly paid for all that we have done for the United States and for securing for them a national existence." * Under the circumstances it was not unnatural that the American commissioners should be suspicious of France, particularly as the British envoys endeavored by insinuation, inuendo, and otherwise to excite jealousy between the Americans and the French as to the ulterior plans and purposes of the latter. Adams said: "There is nothing that humbles and depresses, nothing that shackles and confines, in short, nothing that renders totally useless all your ministers in Europe, so much as these positive instructions to consult and communicate with French ministers upon all occasions, and to follow their advice. And I really think it would be better to constitute the Count de Vergennes our sole minister, and give him full powers to make peace and treat with all Europe, than to continue any of us

seq.; Sparks, *Life of Franklin*, p. 490; Morse, *Life of Franklin*, pp. 380-382. See also the various letters of Vergennes in Hale, *Franklin in France*, vol. ii., pp. 149-159, 195-197.

* Wharton, *Diplomatic Correspondence of the Revolution*, vol. vi., p. 152. See also Franklin's letter accompanying the reply of the commissioners to the censure upon their actions, in *ibid.*, vol. vi., p. 581.

in the service under the instructions in being, if they are to be understood in that unlimited sense which some persons contend for." * However, Jay's stand in the matter would seem to be justified, as he was there to conserve the interests of the United States alone. Sparks says: "The French court, from first to last, adhered faithfully to the terms of the alliance, not that they had any special partiality for the Americans, or were moved by the mere impulse of good will and friendship, unmixed with motives of interest. Why should this be expected? When was entire disinterestedness ever known to characterize the intercourse between nations? But no fact in the history of the American Revolution is more clearly demonstrable, than that the French government, in their relations with the United States, during the war, and at the peace, maintained strictly their honor and fidelity to their engagements; nay more, that they acted a generous, and in some instances, a magnanimous part." †

Undoubtedly Jay greatly aided the

* John Adams, *Works*, vol. viii., pp. 12-13.

† Sparks, *Life of Franklin*, p. 495. See also McLaughlin, *The Confederation and the Constitution*, p. 18 *et seq.*; Pitkin, *Political and Civil History of the United States*, vol. ii., pp. 123-152; Pellew, *John Jay*, pp. 204-207; Jay, *Life of John Jay*, vol. i., p. 133 *et seq.*; George W. Green, *The Diplomacy of the Revolution*, in *Atlantic Monthly*, vol. xv., p. 576; John Adams, *Works*, vol. i., pp. 354-399. As to its effects on the Northwest see Moore, *The Northwest under Three Flags*, p. 279 *et seq.*, and authorities cited.

cause by his exhibition of firmness regarding the minutest technicalities, but it hardly seems possible that France, considering her former conduct, would have gone back on the United States entirely. The conclusions reached by various historians depend upon the manner in which they interpret the personal conduct of the various principals in the negotiations.* France was not pouring out her money and the blood of her soldiers for the pleasure of it. Since 1782 she had practically borne the greater part of the burden of the war against England, and simply because she did not desire that America should conduct her negotiations separately from the other allies is not sufficient ground for saying that she was playing false to America. America was only one of the allies

included in a general war with England, and France had equally good reason for suspecting that if the United States conducted separate negotiations she would obtain as much as possible, regardless of the interests of the other combatants. Still, there are equally good grounds for suspecting that if France had supervised the negotiations between England and the United States, the treaty would not have been as advantageous as it was.* Writing to Livingston July 10, 1783, Adams says: "But if by confidence in the French Court is meant an opinion, that the French office of foreign affairs would be advocates with the English for our rights to the fisheries, or to the Mississippi River, or our western territory, or advocates to persuade the British ministers to give up the cause of the refugees, and make parliamentary provision for them, I own I have no such confidence, and never had. Seeing and

* C. F. Adams says: "The great diplomatists, without exception, proceed upon one maxim, which is, to advance their own country in power, regardless, if not at the cost, of every other. * * * The notion that the ministers of Louis the Sixteenth, who had grown gray in the service of this system, in taking the course which they did towards America, could have been actuated by any other than the accepted ideas of their day, or that they shared in the enthusiasm generated in the hearts of the French nation by the sight of brave men struggling for liberty against power, seems entirely out of keeping with any thing that previously happened in their lives, or that marked the rest of their career. * * * The ideas of Count de Vergennes had never swerved from the doctrine of his time, which was to maintain France as the centre around which the various European powers were to be kept moving in their respective orbits."—John Adams, *Works*, vol. i., p. 303. "Generosity of spirit or sympathy with liberty was not even thought of. It was the cry of vengeance from France, humiliated by the domineering Anglicism of William Pitt."—*Ibid.*, p. 309.

* See also Foster, *Century of American Diplomacy*, p. 77 *et seq.* When Adams received Livingston's letter of censure on the action of the commissioners in disregarding the French court, he said: "I am weary, disgusted, affronted and disappointed. * * * I have been injured and my country has joined in the injury; it has basely prostituted its own honor by sacrificing mine. But the sacrifice of me was not so servile and intolerable as putting us all under guardianship. Congress surrendered their own sovereignty into the hands of a French minister. Blush! blush! ye guilty records! blush and perish! It is glory to have broken such infamous orders. Infamous, I say, for so they will be to all posterity. How can such a stain be washed out? Can we cast a veil over it and forget it?"—John Adams, *Works*, vol. iii., p. 359. See also vol. viii., pp. 11–13.

hearing what I have seen and heard, I must have been an idiot to have entertained such confidence; I should be more of a Machiavelian, or a Jesuit, than I ever was or will be, to counterfeit it to you or to Congress."*

In October, shortly after the arrival of Oswald's revised commission, Jay submitted to Oswald a scheme for a treaty,† which was accepted by Oswald and sent to London for acceptance by the ministry.‡ As defined by this plan, the northern boundary line was to run from the intersection of the 45th degree of N. Lat. with the St. Lawrence, to the south end of Lake Nipissing, and thence to the sources of the Mississippi, thus including much of what is now Canada; the western boundary was the Mississippi. The Americans assured to themselves the right to the fisheries, but on the other hand made no provisions for paying the refugees or repealing the confiscatory laws.¶ The English ministry refused to accept this draft of the treaty, and early in November another scheme was agreed upon by the commissioners and taken to England.§ In drawing up this second

draft, it was due to the tenacity of Adams, who had some time previously arrived on the scene, that the fishery rights were retained in the treaty.* It was agreed in this second treaty that no hindrances should be placed in the way of British creditors in their endeavors to collect debts contracted before 1775, but regarding the Loyalists the American commissioners would only agree that Congress would recommend that the States change their confiscation laws so as to be consistent with justice and equity.† Scarcely any change

* Pellew, *John Jay*, pp. 216-217. See, however, p. 223. In a letter to Secretary Livingston, November 8, 1782, Adams says: "If Mr. Jay and I had yielded the punctilio of rank, and taken the advice of the Count de Vergennes and Dr. Franklin, by treating with the English or Spaniards, before we were put upon the equal footing that our rank demanded, we should have sunk in the minds of the English, French, Spaniards, Dutch, and all the neutral powers. The Count de Vergennes certainly knows this; if he does not, he is not even a European statesman; if he does know it, what inference can we draw, but that he means to keep us down if he can; to keep his hand under our chin to prevent us from drowning, but not to lift our heads out of water? * * * If we conduct ourselves with caution, prudence, moderation, and firmness, we shall succeed in every great point; but if congress or their ministers abroad suffer themselves to be intimidated by threats, slanders, or insinuations, we shall be duped out of the fishery, the Mississippi, much of the western lands, compensation to the Tories, and Penobscot at least, if not Kennebec. This is my solemn opinion, and I will never be answerable to my country, posterity, or my own mind, for the consequences that might happen from concealing it."—John Adams, *Works*, vol. viii., pp. 4-5.

† Franklin said: "Your ministers require that we should receive again into our bosom those who have been our bitterest enemies and restore their properties who have destroyed ours, and thus, while the wounds they have given us are

* John Adams, *Works*, vol. viii., p. 89.

† Wharton, *Diplomatic Correspondence of the Revolution*, vol. v., p. 811.

‡ Pellew, *John Jay*, pp. 200-201.

¶ McLaughlin, *The Confederation and the Constitution*, pp. 24-25. See also Fitzmaurice, *Life of Shelburne*, vol. iii., p. 269 *et seq.*

§ Wharton, *Diplomatic Correspondence*, vol. v., p. 851; Pellew, *John Jay*, pp. 210-212; John Adams, *Works*, vol. i., pp. 377-378.

was made in the northern and eastern boundaries, and the southern boundary continued the same—the 31st degree of N. Lat., from the Mississippi to the Appalachicola. A secret article was also drawn up, agreeing that if Great Britain should desire to retain West Florida at the conclusion of the war, the northern boundary should be a line through the mouth of the Yazoo River, or about 32° 25'.

This was not entirely acceptable to Shelburne, and as the king was shortly to meet Parliament, Shelburne decided that as favorable a treaty as possible should be presented when Parliament convened.† However, he determined to make one more effort for the Loyalists and the fisheries, but the Americans remained firm in their refusal to compensate the Loyalists and insisted that the United States be given a

still bleeding! It is many years since your nation expelled the Stuarts and their adherents, and confiscated their estates. Much of your resentment against them may by this time be abated; yet, if we should propose it, and insist on it as an article of our treaty with you, that that family should be recalled and the forfeited estates of its friends restored, would you think us serious in our professions of earnestly desiring peace?"—Letter to Oswald, quoted in Parton, *Life of Franklin*, vol. ii., p. 495.

* Wharton, vol. v., pp. 851–853. See also Fisher, *Struggle for American Independence*, vol. ii., pp. 541–545; Gordon, *American Revolution*, vol. iv., pp. 331–341 (ed. 1778); Lecky, *England in the 18th Century*, vol. iv., pp. 252–268; the Works and Letters of Jay, Franklin and Adams; Ogg, *Opening of the Mississippi*, p. 397; Hale, *Franklin in France*, vol. ii., chap. viii.

† Fitzmaurice, *Life of Shelburne*, vol. iii., pp. 287, 298; Pellew, *John Jay*, pp. 214–215.

share in the fisheries.* Finally, as the English saw they could obtain no further concessions, a preliminary treaty was agreed to on November 30, 1782, and signed by the commissioners at Paris,† and early the following year was approved and ratified by Congress.‡ Much was left to be determined by later negotiation, particularly as to boundaries. The northeastern boundary was defined as "a line drawn due north from the source of the Saint Croix River to the Highlands; along the said Highlands which divide these rivers that

* John Adams, *Works*, vol. i., pp. 379–386, vol. iii., p. 327 *et seq.* For the remarks of the commissioners on the various articles see vol. viii., pp. 18–20.

† Beside the works on the peace negotiations previously mentioned, see Wharton, *Digest of International Law*, vol. iii; Sparks, *Diplomatic Correspondence of the American Revolution* (in 12 vols., 1829–1830 and in 6 vols., 1857); Johnston, *The Correspondence and Public Papers of John Jay*, vols. ii. and iii.; John Jay, *The Peace Negotiations of 1782–1783*, in Winsor, *Narrative and Critical History of America*, vol. vii., chap. ii.; Theodore Lyman, *The Diplomacy of the United States*, vol. i., chap. iv.; Foster, *A Century of American Diplomacy*, chap. ii.; John Jay, *The Peace Negotiations of 1782–1783*, in *Papers of the American Historical Association*, vol. iii., pp. 79–100, and *Ibid*, Count de Vergennes, in *Magazine of American History*, vol. xiii., pp. 31–38; W. E. H. Lecky, *History of England in the Eighteenth Century*, vol. iv.; Lord John Russell, *Life and Times of Charles James Fox* (3 vols., 1859–66); John Adolphus, *History of England from the Accession to the Decease of George III.* (7 vols., 1840–1845). For the designs of France on the Mississippi Valley, see F. J. Turner, *The Policy of France toward the Mississippi Valley in the Period of Washington and Adams*, in *American Historical Review*, vol. x., pp. 249–279.

‡ Watson (*Men and Times of the Revolution*, pp. 203–206) gives an interesting account of his being present when the king read his speech in Parliament, December 5, 1782.

empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River." It was therefore necessary to determine which was the St. Croix River, which Highlands was meant, what rivers fell into the ocean, and to which branch of the Connecticut belonged the northwestern head of the river. The line ran from the Connecticut along the 45th parallel to the St. Lawrence, thence to the Lake of the Woods through the Great Lakes; from the most northwestern point of the Lake of the Woods due west to the Mississippi—down the river to the 31st degree and thence east along the 31st parallel to the ocean. The secret article was also retained.*

On January 20, 1783, the commissioners of France, Great Britain and Spain signed preliminary articles of restoring peace between these countries,† and at the same time the British and American commissioners entered into an agreement regarding the cessation of hostilities in America.‡ On March 23 news of the general peace reached America through the medium of a letter from Lafayette,|| and orders

were immediately issued recalling all armed vessels sailing under the authority of the United States. Shortly afterward, official information was received of the agreement between the commissioners of the United States and Great Britain, and that preliminary articles between France and Great Britain had been ratified. On April 11 Congress issued a proclamation declaring a cessation of hostilities both on sea and land, as agreed upon between the United States and Great Britain, and enjoining all strictly to observe the terms of the agreement.

The news of the treaty created the greatest satisfaction everywhere.* Boudinot said: "It has diffused the sincerest joy throughout these States, and the terms of which must necessarily hand down the names of its American negotiators to posterity with the highest possible honors." Adams wrote to Robert Morris: "I thank you, sir, most affectionately for your kind congratulations on the peace. * * * When I consider the number of nations concerned, the complication of interests, extending all over the globe, the character of actors, the difficulties which attended every step of the progress, * * * I feel too strong a gratitude to heaven for having been conducted safely through the storm, to be very solicitous whether we have the ap-

* McLaughlin, *The Confederation and the Constitution*, pp. 28-29; John Adams, *Works*, vol. viii., pp. 25-26.

† McLaughlin, *The Confederation and the Constitution*, pp. 32-33.

‡ Bancroft, vol. vi., p. 37.

|| Ford's ed. of *Washington's Writings*, vol. x., p. 197.

* John Adams, *Works*, vol. i., p. 396.

probation of mortals or not."* Vergennes wrote to Luzerne: "The boundaries must have caused astonishment in America. No one could have flattered himself that the English ministers would go beyond the headwaters of the rivers falling into the Atlantic."† De Aranda, the Spanish ambassador, wrote: "This federal republic is born a pigmy. A day will come when it will be a giant; even a Colossus, formidable to these countries. Liberty of conscience, the facility for establishing a new population on immense lands, as well as the advantages of the new government, will draw thither farmers and artisans from all the nations. In a few years we shall watch with grief the tyrannical existence of this same Colossus." The Venetian ambassador wrote: "If the union of the American provinces shall continue, they will become by force of time and of the arts, the most formidable power in the world." How truly they spoke!

The anniversary of the battle of Lexington, April 19, was selected as the day on which the news of the treaty should be proclaimed to the army. On that occasion Washington addressed the army and issued orders that "the chaplains, with the several brigades, render thanks to Almighty God for all his mercies, particularly for his overruling the

wrath of man to his own glory, and causing the rage of war to cease among the nations."*

On February 5, 1783, Sweden acknowledged the independence of the United States, and she was followed on February 25 by Denmark; on March 24 by Spain, and in July by Russia; and about the same dates treaties of amity and commerce were concluded with all of these powers.† On September 3, 1783, the definitive treaty of peace‡ between Great Britain and the United States was signed at Paris by Adams, Jay and Franklin on the part of the United States, and by David Hartley on the part of Great Britain.|| This treaty was simply a repetition of the preliminary articles signed in November, 1782. Early in January, 1784, the treaty was ratified by Congress.§ It is as follows:

IN THE NAME OF THE MOST HOLY AND UNDIVIDED TRINITY.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince, George the Third, by the grace of God King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer and Prince Elector of the holy Roman empire, etc., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which

* Thacher, *Military Journal*, pp. 332-334; Heath's *Memoirs*, pp. 338-341 (Abbatt's ed.).

† See Bancroft, vol. vi., pp. 54-58.

‡ For a resumé of the debates in the British Parliament regarding the treaty, see Bancroft, vol. vi., pp. 36-53.

|| John Adams, *Works*, vol. viii., p. 143.

§ See Shortt and Doughty, *Canadian Constitutional Documents*, pp. 491-493; *British and For-*

* Letter of July 5, 1783, John Adams, *Works*, vol. viii., p. 82.

† Pellew, *John Jay*, pp. 222-223.

they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris, on the 30th of November, 1782, by the commissioners empowered on each part; which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until the terms of peace should be agreed upon between Great Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his Britannic majesty on his part, David Hartley, Esq., member of the Parliament of Great Britain; and the said United States on their part, John Adams, Esq., late a Commissioner of the United States of America at the court of Versailles, late delegate in Congress from the State of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the State General of the United Netherlands; Benjamin Franklin, Esq., late delegate in Congress from the State of Pennsylvania, president of the Convention of the said State, and minister plenipotentiary from the United States of America at the court of Versailles; and John Jay, Esq., late President of Congress, and chief justice of the State of New York, and minister plenipotentiary from the said United States at the court of Madrid; to be the

eign State Papers, Compiled by the Librarian and Keeper of Papers, Foreign Office, London: 1841, vol. i., pt. i., p. 779; *Treaties and Conventions of the United States*, pp. 375-379 (ed. of 1889); Wharton, *Diplomatic Correspondence of the United States*, vol. vi., pp. 96-99; MacDonald, *Select Documents*, pp. 16-21; Snow, *Treaties and Topics in American Diplomacy*, pp. 62-67. See also the letters regarding the difficulty of securing a quorum in Congress, the various reports, etc., on the ratification of the treaty, in Ford's ed. of Jefferson's *Writings*, vol. iii., pp. 349, 350, 355, 365, 371, 372, 375, 376, 378 *et seq.*, 397.

plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

Article I. His Britannic majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats them as such, and for himself, his heirs, and successors, relinquishes all claim to the government, proprietary, and territorial rights of the same, and every part thereof.

Article II. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz., from the northwest angle of Nova Scotia, viz.: that angle which is formed by a line drawn due north from the source of St. Croix River to the high lands which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; thence drawn along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the River Iroquois or Cataraguy; thence along the middle of said river into Lake Ontario; through the middle of said Lake, until it strikes the communication by water between that lake and Lake Erie; thence along the middle of the said communication into Lake Erie, through the middle of said lake, until it arrives at the water communication between that lake and Lake Huron; thence through the middle of said lake, to the water communication between that lake and Lake Superior; thence through Lake Superior northward to the isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most north-westernmost point thereof, and from thence a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle

of the River Apalachicola or Catahouche; thence along the middle thereof, to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down the middle of St. Mary's River, to the Atlantic Ocean; east, by a line to be drawn along the middle of the St. Croix from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid high lands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

Article III. It is agreed, that the people of the United States shall continue to enjoy unmolested, the right to take fish of every kind on the Great Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island,) and also on the coasts, bays, and creeks, of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but as soon as the same shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Article IV. It is agreed, that the creditors, on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

Article V. It is agreed, that Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects; and also of the estates, rights, and properties, of persons resident in districts in the possession of his majesty's arms, and who have not borne

arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should invariably prevail; and that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties of such last-mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession the *bona fide* price, (where any has been given), which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Article VII. There shall be a firm and perpetual peace between his Britannic majesty and the said United States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease; all prisoners, on both sides, shall be set at liberty; and his Britannic majesty shall, with all convenient speed and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place, and harbor within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers belonging to

any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored, and delivered to the proper States and persons to whom they belong.

Article VIII. The navigation of the River Mississippi, from its source to the Ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

Article IX. In case it should so happen, that any place or territory, belonging to Great Britain

or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty and without requiring any compensation.

Article X. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

CHAPTER XXXIV.

1783.

THE ARMY DISBANDED: WASHINGTON RESIGNS HIS COMMISSION.

Discontent among the army because of non-payment — Revolt of the troops — The Cincinnati formed — Washington's circular letter to the governors — Proclamation issued for disbanding army — Washington's farewell orders — Carleton evacuates New York; Washington takes possession — Washington's farewell to his officers — Resigns his commission — Appendix to Chapter XXXIV. I. Washington's circular letter to the governors. II. The resignation of Washington's commission.

Because the government had not yet fully paid the officers and men, it was necessary that great care be exercised in reducing the army. Furloughs were freely granted on the application of individuals, and upon leaving the army, they were enjoined not to return, so that in this manner a critical moment was passed.* During the summer, a large part of the unpaid troops were scattered throughout the States without tumult or disorder. Up to this time the conduct of the veteran troops had been especially gratifying to Washington, but some of the new levies created considerable disorder by their mutinous conduct at Lancaster, Pennsylvania. During June, about 80 of these

“soldiers of a day”* marched to Philadelphia to make demands upon Congress, on the way being joined by many others, so that upon their arrival at Philadelphia, they numbered about 300. Upon the arrival of the troops in the city, they marched to the State-house in a body where Congress and the State executive council were holding their sessions; placed guards at the doors; and threatened dire consequences unless their demands were complied with in twenty minutes. Washington was early informed of the movement of the troops toward Philadelphia and immediately dispatched General Howe with a body of regulars to suppress the mutiny. Before Howe ar-

* See Marshall, *Life of Washington*, vol. ii., pp. 53-54; Heath's *Memoirs*, p. 343 *et seq.*

* Ford's ed. of *Washington's Writings*, vol. x., p. 272.

rived, however, the mutiny had subsided without bloodshed. The mutineers were too inconsiderable to commit a great amount of mischief, but their conduct greatly aroused the indignation of Washington, who expressed his contempt for such proceedings in a letter to the President of Congress.*

While the army was still encamped on the Hudson, "The Society of the Cincinnati" was founded for the purpose of perpetuating the friendships formed during the war. Washington was urged to accept the chief office in the society and finally yielded to the wishes of the other officers.† According to the rules of the society, its honors were to be hereditary in the families of these members, and distinguished individuals might be admitted as honorary members for life. This arrangement soon created jealousy and distrust, as it was feared that the hereditary proviso of the rules would tend to create a sort of nobility. Learning of this feeling of distrust on the part of the people, Washington exerted all his influence to have the rules of the society changed, which was done in May, 1784. The result proved all the wis-

dom of the measure and all jealousy of the society soon afterward disappeared.*

While attending to the disbandment of the army, Washington consulted freely with Congress, and during his consultations recommended that a well-regulated standing army be established. To further advance the theory he advocated, he issued a circular letter to the governors of the States.‡ This was dated from Newburgh, June 8, 1783, and, according to Sparks, "is remarkable for its ability, the deep interest it manifests for the officers and soldiers, who had fought the battles of their country, the soundness of its principles, and the wisdom of its counsels."‡ The most important paragraphs were those relating to what he considered the four things essential to the existence and well-being of the United States. In conclusion, he made the following remarks:

"I now make it my earnest prayer, that God would have you, and the state over which you preside, in his holy protection; that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another; for their fellow-citizens of the United States at large; and particularly for their brethren who have served in the field; and,

* Hildreth, vol. iii., pp. 436-437; Thacher, *Military Journal*, pp. 337-339. See also the accounts by Madison in Elliot's *Debates*, vol. i., pp. 92-94, and by Hamilton in Hamilton's *Works*, vol. i., pp. 374-393.

† Thacher, *Military Journal*, pp. 319-321; Heath's *Memoirs*, pp. 349-351; Lossing, *Field-Book of the Revolution*, vol. i., pp. 693-697; Brooks, *Life of Knox*, p. 174 *et seq.*; Fiske, *Critical Period of American History*, pp. 114-118.

* John B. McMaster, *A History of the People of the United States*, vol. i., p. 167 *et seq.* See also Jefferson's letter to Washington regarding this in Ford's ed. of *Jefferson's Writings*, vol. iii., pp. 464-470.

† Bancroft, vol. vi., pp. 83-86; Irving, *Life of Washington*, vol. iv., p. 456 *et seq.*

‡ *Life of Washington*, p. 366; Marshall, *Life of Washington*, vol. v., pp. 46-48. See Appendix i., at the end of the present chapter.

finally, that he would be most graciously pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of the mind, which were the characteristics of the Divine Author of our blessed religion; without an humble imitation of whose example, in these things, we can never hope to be a happy nation." *

On October 18, 1783, Congress issued a proclamation disbanding the army. It was decided to retain a small force, sufficient for any contingencies, until a peace establishment might be organized according to the wishes of Congress. Congress thanked the officers and soldiers in behalf of the entire country for their long, arduous and faithful service. After November 3, the army was entirely discharged from service. On the day preceding the discharge, Washington issued his farewell orders to the army, full of advice, sound principles and fervent hopes for the prosperity of the soldiers who he had had the honor to command. In conclusion he said:

"The commander-in-chief conceives little is now wanting to enable the soldier to change the military character into that of a citizen, but that steady and decent tenor of behavior, which has generally distinguished not only the army under his immediate command, but the different detachments and separate armies, through the course of the war. From their good sense and prudence, he anticipates the happiest consequences: and while he congratulates them on the glorious occasion which renders their services in the field no longer necessary, he wishes to express the strong obligations he feels himself under, for the assistance he has received from every class, and in every instance. He presents his thanks, in the most serious and affectionate manner to the general officers, as well for their counsel on many interesting occasions, as for their ardor in promoting

the success of the plans he had adopted; to the commandants of regiments and corps, and to the officers, for their zeal and attention in carrying his orders promptly into execution; to the staff, for their alacrity and exactness, in performing the duties of their several departments; and to the non-commissioned officers and private soldiers, for their extraordinary patience in suffering, as well as their invincible fortitude in action. To various branches of the army, the general takes his last and solemn opportunity of professing his inviolable attachment and friendship. He wishes more than bare profession were in his power, that he was really able to be useful to them all in future life. He flatters himself, however, they will do him the justice to believe, that whatever could with propriety be attempted by him, has been done. And being now to conclude these, his last public orders, to take his ultimate leave, in a short time, of the military character, and to bid a final adieu to the armies he has so long had the honor to command, he can only again offer, in their behalf, his recommendations to their grateful country, and his prayers to the God of armies. May ample justice be done them here, and may the choicest of heaven's favors both here and hereafter, attend those, who, under the divine auspices, have secured innumerable blessings for others! With these wishes, and this benediction, the commander-in-chief is about to retire from service. The curtain of separation will soon be drawn, and the military scene to him will be closed forever." *

Meanwhile, General Carleton had been ordered to evacuate New York and during the summer manifested his intention of so doing; he was delayed by various occurrences, however, and it was not until November that the arrangements for the departure of the troops could be completed. On the morning of November 25, Washington, with the American troops under General Knox and Governor Clinton, advanced to the upper part of the city, and at noon, as the British marched out, the Americans

* Irving, vol. iv., p. 460.

* Thacher, *Military Journal*, pp. 340-341; Irving, *Life of Washington*, vol. iv., pp. 465-467.

slowly entered and took possession, the civil authority of the State then being established.* The following Monday, December 1, a magnificent entertainment was given to the French minister, Luzerne, at which Washington and a large company were present, and in the evening there were fire-works at Bowling Green.† The most trying ordeal through which Washington had to pass was bidding adieu to his officers. This interview took place on December 4. Marshall describes the scene as follows:

"At noon the principal officers of the army assembled at Frances's tavern, soon after which their beloved commander entered the room. His emotions were too strong to be concealed. Filling a glass, he turned to them, and said, 'With a heart full of love and gratitude, I now take leave of you. I most devoutly wish, that your latter days may be as prosperous and happy as your former ones have been glorious and honorable.' Having drunk, he added, 'I cannot come to each of you to take my leave, but shall be obliged, if each of you will come and take me by the hand.' General Knox, being nearest, turned to him. Washington, incapable of utterance, grasped his hand, and embraced him. In the same affectionate manner, he took leave of every suc-

ceeding officer.* The tear of manly sensibility was in every eye; and not a word was articulated, to interrupt the dignified silence, and the tenderness of the scene. Leaving the room, he passed through the corps of light infantry, and walked to Whitehall, where a barge waited to convey him to Paulus Hook. The whole company followed in mute and solemn procession, with dejected countenances, testifying feelings of delicious melancholy, which no language can describe. Having entered the barge, he turned to the company, and waving his hat, bid them a silent adieu. They paid him the same affectionate compliment; and after the barge had left them, returned in the same solemn manner to the place where they had assembled."†

To completely sever his connection with the army, it only remained necessary that Washington resign his commission. In November, Congress had adjourned to Annapolis and there Washington repaired in order to terminate his public career. All along the route of his journey he was greeted with most earnest expressions of gratitude and affection and was presented with many public addresses by legislatures, towns, societies, etc. At Philadelphia he deposited an account of the expenses

* Brooks, p. 179.

† Marshall, *Life of Washington* (2 ed.), vol. ii., p. 57; Gordon, *American Revolution*, vol. iii., p. 377; Baneroft, vol. vi., p. 106; Thacher, *Military Journal*, pp. 341-342; Lodge, *George Washington*, vol. i., p. 337; Irving, vol. iv., pp. 471-472.

* Lamb, *City of New York*, vol. ii., pp. 273-274.

† Brooks, *Life of Knox*, p. 178; Irving, *Life of Washington*, vol. iv., p. 470.

incurred by him during the war, which he had inscribed with his own hand.* On December 19, 1783, Washington arrived at Annapolis and signified to Congress that he was prepared to resign his commission. It was determined that this should be done in public session and in the presence of his fellow citizens. On the 23d, therefore, Washington appeared before Congress for this purpose. The hall was crowded with spectators—friends and relatives, the officials of Maryland, and the consul-general of France. Washington was then introduced to the President of Congress and the secretary, and after a short silence, was informed that “the United States in Congress assembled, were prepared to receive his communications.” Washington thereupon arose and in a very dignified manner delivered his address, a copy of

which, together with his commission, he presented to the President of Congress.* He then remained standing, awaiting a reply. It was a remarkable coincidence that at this time General Mifflin was President of Congress, having been elected some time previously. Necessarily the duty of replying to Washington and thanking him for his services fell to the lot of one who, with others, had tried to besmirch his character and usurp his place during the Conway Cabal. Nevertheless, Mifflin replied to Washington in terms of reverential courtesy and most earnest regard. This ceremony having been completed, Washington retired from the Hall of Congress and the next day reached his home at Mount Vernon, after eight years of faithful and arduous service once again a private citizen.

APPENDIX TO CHAPTER XXXIV.

I. A CIRCULAR LETTER.

From his Excellency George Washington, Commander-in-chief of the Armies of the United States of America, to the Governors of the several States.

HEAD-QUARTERS, NEWBURG, June 8, 1783.

SIR: The great object for which I had the honor to hold an appointment in the service of my country being accomplished, I am now preparing to resign it into the hands of Congress, and return to that domestic retirement, which it is well known I left with the greatest reluctance;

a retirement for which I never ceased to sigh through a long and painful absence, in which (remote from the noise and trouble of the world) I mediate to pass the remainder of life, in a state of undisturbed repose: but before I carry this resolution into effect, I think it a duty incumbent on me to make this my last official communication, to congratulate you on the glorious events which heaven has been pleased to produce in our favor, to offer my sentiments respecting some

* Washington's account of his expenses will be found in Sparks, *Life of Washington*, App. iii., pp. 516-518. They amounted to about \$65,000.

* See Appendix II., at the end of the present chapter. See also Thacher, *Military Journal*, pp. 342-343; Johnson, *General Washington*, chap. xvi.; Lodge, *George Washington*, vol. i., pp. 339-340; Irving, *Life of Washington*, vol. iv., pp. 474-475.

important subjects, which appear to me to be intimately connected with the tranquillity of the United States, to take my leave of your Excellency as a public character, and to give my final blessing to that country in whose service I have spent the prime of my life; for whose sake I have consumed so many anxious days and watchful nights, and whose happiness, being extremely dear to me, will always constitute no inconsiderable part of my own.

Impressed with the liveliest sensibility on this pleasing occasion, I will claim the indulgence of dilating the more copiously on the subject of our mutual felicitation. When we consider the magnitude of the prize we contended for, the doubtful nature of the contest, and the favorable manner in which it has terminated; we shall find the greatest possible reason for gratitude and rejoicing; this is a theme that will afford infinite delight to every benevolent and liberal mind, whether the event in contemplation be considered as a source of present enjoyment, or the parent of future happiness; and we shall have equal occasion to felicitate ourselves on the lot which Providence has assigned us, whether we view it in a natural, a political, or moral point of view.

The citizens of America, placed in the most enviable condition, as the sole lords and proprietors of a vast tract of continent, comprehending all the various soils and climates of the world, and abounding with all the necessities and conveniences of life, are now by the late satisfactory pacification, acknowledged to be possessed of absolute freedom and independency; they are from this period to be considered as the actors on a most conspicuous theatre, which seems to be peculiarly designed by Providence for the display of human greatness and felicity: here they are not only surrounded with every thing that can contribute to the completion of private and domestic enjoyment, but Heaven has crowned all its other blessings by giving a surer opportunity for political happiness than any other nation has ever been favored with. Nothing can illustrate these observations more forcibly than the recollection of the happy conjuncture of these times and circumstances under which our Republic assumed its rank among the nations. The foundation of our empire has not been laid in a gloomy age of ignorance and superstition, but at an epoch when the rights of mankind were better understood and more clearly defined, than at any former period: researches of the human mind after social happiness have been carried to a great extent: the treasures of knowledge acquired by the labors of philosophers, sages, and legislators,

through a long succession of years, are laid open for use, and their collected wisdom may be happily applied in the establishment of our forms of government: the free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and above all, the pure and benign light of Revelation, have had a meliorating influence on mankind, and increased the blessings of society. At this auspicious period the United States came into existence as a nation, and if their citizens should not be completely free and happy, the fault will be entirely their own.

Such is our situation, and such are our prospects; but notwithstanding the cup of blessing is thus reached out to us; notwithstanding happiness is ours, if we have a disposition to seize the occasion, and make it our own; yet it appears to me, there is an option still left to the United States of America, whether they will be respectable and prosperous, or contemptible and miserable as a nation. This is the time of their political probation; this is the moment when the eyes of the world are turned upon them; this is the time to establish or ruin their national character forever; this is the favorable moment to give such a tone to the Federal Government, as will enable it to answer the ends of its institution; or this may be the ill-fated moment for relaxing the powers of the Union, annihilating the cement of the Confederation, and exposing us to become the sport of European politics, which may play one State against another, to prevent their growing importance, and to serve their own interested purposes. For, according to the system of policy the States shall adopt at this moment, they will stand or fall; and by their confirmation or lapse, it is yet to be decided, whether the Revolution must ultimately be considered as a blessing or a curse; a blessing, or a curse, not to the present age alone; for, with our fate, will the destiny of unborn millions be involved.

With this conviction of the importance of the present crisis, silence in me would be a crime. I will therefore speak to your Excellency the language of freedom and sincerity, without disguise. I am aware, however, those who differ from me in political sentiments, may perhaps remark, I am stepping out of the proper line of my duty; and they may possibly ascribe to arrogance or ostentation, what I know is alone the result of the purest intention; but the rectitude of my own heart, which disdains such unworthy motives; the part I have hitherto acted in life; the determination I have formed, of not taking any share in public business hereafter; the ardent desire I feel,

and shall continue to manifest, of quietly enjoying in private life, after all the toils of war, the benefits of a wise and liberal government, will, I flatter myself, sooner or later, convince my countrymen, that I could have no sinister views in delivering, with so little reserve, the opinions contained in this address.

There are four things which I humbly conceive, are essential to the well-being, I may even venture to say, to the existence, of the United States, as an independent power.

1st. An indissoluble union of the States under one federal head.

2dly. A sacred regard to public justice.

3dly. The adoption of a proper peace establishment. And,

4thly. The prevalence of that pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and politics, to make those mutual concessions which are requisite to the general prosperity, and in some instances, to sacrifice their individual advantages to the interest of the community.

These are the pillars on which the glorious fabric of our independence and national character must be supported. Liberty is the basis, and whoever would dare to sap the foundation, or overturn the structure, under whatever specious pretext he may attempt it, will merit the bitterest execration, and the severest punishment, which can be inflicted by his injured country.

On the three first articles I will make a few observations, leaving the last to the good sense and serious consideration of those immediately concerned.

Under the first head, although it may not be necessary or proper for me, in this place, to enter into a particular disquisition of the principles of the Union, and to take up the great question which has been frequently agitated, whether it be expedient and requisite for the States to delegate a large proportion of power to Congress or not; yet it will be a part of my duty, and that of every true patriot, to assert without reserve, and to insist upon the following positions. That unless the States will suffer Congress to exercise those prerogatives they are undoubtedly invested with by the Constitution, every thing must very rapidly tend to anarchy and confusion. That it is indispensable to the happiness of the individual States, that there should be lodged somewhere a supreme power, to regulate and govern the general concerns of the confederated republic, without which the Union cannot be of long duration. There must be a faithful and pointed compliance on the part

of every State, with the late proposals and demands of Congress, or the most fatal consequences will ensue. That whatever measures have a tendency to dissolve the Union, or contribute to violate or lessen the sovereign authority, ought to be considered as hostile to the liberty and independence of America, and the authors of them treated accordingly. And lastly, that unless we can be enabled, by the concurrence of the States, to participate in the fruits of the Revolution, and enjoy the essential benefits of civil society, under a form of government so free and uncorrupted, so happily guarded against the danger of oppression, as has been devised and adopted by the Articles of Confederation, it will be the subject of regret, that so much blood and treasure have been lavished for no purpose; that so many sufferings have been counteracted without a compensation, and that so many sacrifices have been made in vain. Many other considerations might here be adduced to prove, that without an entire conformity to the spirit of the Union, we cannot exist as an independent power. It will be sufficient for my purpose to mention but one or two, which seem to me of the greatest importance. It is only in our united character, as an empire, that our independence is acknowledged, that our power can be regarded, or our credit supported among foreign nations. The treaties of the European powers with the United States of America, will have no validity on the dissolution of the Union. We shall be left nearly in a state of nature, or we may find by our own unhappy experience, that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny; and that arbitrary power is most easily established on the ruins of liberty abused to licentiousness.

As to the second article, which respects the performance of public justice, Congress have, in their late address to the United States, almost exhausted the subject; they have explained their ideas so fully, and have enforced the obligations the States are under, to render complete justice to all the public creditors, with so much dignity and energy, that, in my opinion, no real friend to the honor and independency of America, can hesitate a single moment respecting the propriety of complying with the just and honorable measures proposed. If their arguments do not produce conviction, I know of nothing that will have a greater influence, especially when we reflect, that the system referred to, being the result of the collected wisdom of the continent, must be esteemed, if not perfect, certainly the least objectionable of any that could be devised; and that if it should not be

carried into immediate execution, a national bankruptcy, with all its deplorable consequences, will take place, before any different plan can possibly be proposed or adopted, so pressing are the present circumstances, and such the alternative now offered to the States.

The ability of the country to discharge the debts which have been incurred in its defence, is not to be doubted. An inclination, I flatter myself, will not be wanting; the path of our duty is plain before us; honesty will be found, on every experiment, to be the best and only true policy. Let us, then, as a nation, be just; let us fulfil the public contracts which Congress had undoubtedly a right to make for the purpose of carrying on the war, with the same good faith we suppose ourselves bound to perform our private engagements. In the meantime, let an attention to the cheerful performance of their proper business, as individuals, and as members of society, be earnestly inculcated on the citizens of America; then will they strengthen the bands of government, and be happy under its protection. Every one will reap the fruit of his labors; every one will enjoy his own acquisitions, without molestation, and without danger.

In this state of absolute freedom, and perfect security, who will grudge to yield a very little of his property, to support the common interests of society, and ensure the protection of government? Who does not remember the frequent declarations at the commencement of the war, that we should be completely satisfied, if, at the expense of one half, we could defend the remainder of our possessions? Where is the man to be found, who wishes to remain indebted for the defence of his own person and property to the exertions, the bravery, and the blood of others, without making one generous effort to pay the debt of honor and of gratitude? In what part of the continent shall we find any man, or body of men, who would not blush to stand up, and propose measures purposely calculated to rob the soldier of his stipend, and the public creditor of his due? And were it possible, that such a flagrant instance of injustice could ever happen, would it not excite the general indignation, and tend to bring down upon the authors of such measures, the aggravated vengeance of heaven? If, after all, a spirit of disunion, or a temper of obstinacy and perverseness should manifest itself in any of the States; if such an ungracious disposition should attempt to frustrate all the happy effects that might be expected to flow from the Union; if there should be a refusal to comply with the requisitions for funds to discharge the annual interest of the public debts,

and if that refusal should revive all those jealousies, and produce all those evils which are now happily removed; Congress, who have in all their transactions, shown a great degree of magnanimity and justice, will stand justified in the sight of God and man! And that State alone, which puts itself in opposition to the aggregate wisdom of the continent, and follows such mistaken and pernicious counsels, will be responsible for all the consequences.

For my own part, conscious of having acted while a servant of the public, in the manner I conceived best suited to promote the real interests of my country; having, in consequence of my fixed belief, in some measure pledged myself to the army that their country would finally do them complete and ample justice, and not willing to conceal any instance of my official conduct from the eyes of the world, I have thought proper to transmit to your Excellency the enclosed collection of papers, relative to the half-pay and commutation granted by Congress to the officers of the army; from these communications, my decided sentiments will be clearly comprehended, together with the conclusive reasons, which induced me at an early period, to recommend the adoption of this measure in the most earnest and serious manner. As the proceedings of Congress, the army, and myself, are open to all, and contain, in my opinion, sufficient information, to remove the prejudice and errors which may have been entertained by any, I think it unnecessary to say any thing more, than just to observe, that the resolutions of Congress, now alluded to, are as undoubtedly and absolutely binding on the United States, as the most solemn acts of confederation or legislation.

As to the idea, which I am informed has, in some instances, prevailed, that the half-pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever; that provision should be viewed, as it really was, a reasonable compensation offered by Congress, at a time when they had nothing else to give to officers of the army, for services then to be performed: it was the only means to prevent a total dereliction of the service; it was a part of their hire. I may be allowed to say, it was the price of their blood, and of your independency; it is therefore more than a common debt, a debt of honor; it can never be considered as a pension or gratuity, nor cancelled until it is fairly discharged.

With regard to the distinction between officers and soldiers, it is sufficient that the uniform experience of every nation in the world, combined

with our own, proves the utility and propriety of the discrimination. Rewards, in proportion to the aid the public draws from them, are unquestionably due to all its servants. In some lines, the soldiers have perhaps had as ample compensation for their services, by the large bounties which have been paid to them, as their officers will receive in the proposed commutation: in others, if, besides the donation of land, the payment of arrearages of clothing and wages (in which articles all the component parts of the army must be put upon the same footing) we take into the estimate the bounties many of the soldiers have received, and the gratuity of one year's full pay, which is promised to all, possibly their situation (every circumstance being duly considered) will not be deemed less eligible than that of the officers. Should a further reward, however, be judged equitable, I will venture to assert, no man will enjoy greater satisfaction than myself, in an exemption from taxes for a limited time, (which has been petitioned for in some instances,) or any other adequate immunity or compensation granted to the brave defenders of their country's cause; but neither the adoption nor rejection of this proposition will in any manner affect, much less militate against, the act of Congress, by which they have offered five years' full pay, in lieu of the half-pay for life, which had been before promised to the officers of the army.

Before I conclude the subject on public justice, I cannot omit to mention the obligations this country is under to that meritorious class of veterans, the non-commissioned officers and privates who have been discharged for inability, in consequence of the resolution of Congress, of the 23d of April, 1782, on an annual pension for life. Their peculiar sufferings, their singular merits and claims to that provision, need only to be known, to interest the feelings of humanity in their behalf. Nothing but a punctual payment of their annual allowance can rescue them from the most complicated misery; and nothing could be a more melancholy and distressing sight, than to behold those who have shed their blood, or lost their limbs in the service of their country, without a shelter, without a friend, and without the means of obtaining any of the comforts or necessities of life, compelled to beg their daily bread from door to door. Suffer me to recommend those of this description, belonging to your State, to the warmest patronage of your Excellency and your Legislature.

It is necessary to say but a few words on the third topic which was proposed, and which regards particularly the defence of the republic. As there

can be little doubt but Congress will recommend a proper peace establishment for the United States, in which a due attention will be paid to the importance of placing the militia of the Union upon a regular and respectable footing; if this should be the case, I should beg leave to urge the great advantage of it in the strongest terms.

The militia of this country must be considered as the palladium of our security, and the first effectual resort in case of hostility; it is essential, therefore, that the same system should pervade the whole; and that the formation and discipline of the militia of the continent should be absolutely uniform; and that the same species of arms, accoutrements, and military apparatus, should be introduced in every part of the United States. No one, who has not learned it from experience, can conceive the difficulty, expense, and confusion which result from a contrary system, or the vague arrangements which have hitherto prevailed.

If, in treating of political points, a greater latitude than usual has been taken in the course of the Address, the importance of the crisis and magnitude of the objects in discussion, must be my apology; it is, however, neither my wish nor expectation, that the preceding observations should claim any regard, except so far as they shall appear to be dictated by a good intention, consonant to the immutable rules of justice, calculated to produce a liberal system of policy, and founded on whatever experience may have been acquired by a long and close attention to public business. Here I might speak with more confidence, from my actual observations; and if it would not swell this letter (already too prolix) beyond the bounds I had prescribed myself, I could demonstrate to every mind, open to conviction, that in less time, and with much less expense than has been incurred, the war might have been brought to the same happy conclusion, if the resources of the continent could have been properly called forth; that the distresses and disappointments which have very often occurred, have, in too many instances, resulted more from a want of energy in the continental government, than a deficiency of means in the particular States; that the inefficiency of the measures, arising from the want of an adequate authority in the supreme power, from a partial compliance with the requisitions of Congress in some of the States, and from a failure of punctuality in others, while they tended to damp the zeal of those who were more willing to exert themselves, served also to accumulate the expenses of the war, and to frustrate the best concerted plans; and that the discouragement occasioned by the complicated difficulties and em-

barrassments in which our affairs were by this means involved, would have long ago produced the dissolution of any army less patient, less virtuous, and less persevering than that which I have had the honor to command. But while I mention those things which are notorious facts, as the defects of our Federal Constitution, particularly in the prosecution of a war, I beg it may be understood, that as I have ever taken a pleasure in gratefully acknowledging the assistance and support I have derived from every class of citizens; so shall I always be happy to do justice to the unparalleled exertions of the individual States, on many interesting occasions.

I have thus freely disclosed what I wished to make known before I surrendered up my public trust to those who committed it to me; the task is now accomplished. I now bid adieu to your Excellency, as the Chief Magistrate of your State; at the same time I bid a last farewell to the cares of Office, and all the employments of public life.

It remains, then, to be my final and only request, that your Excellency will communicate these sentiments to your legislature, at their next meeting, and that they may be considered as the

legacy of one who has ardently wished, on all occasions, to be useful to his country, and who even in the shade of retirement, will not fail to implore the divine benediction upon it.

I now make it my earnest prayer that God would have you, and the State over which you preside, in his holy protection; that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another; for their fellow-citizens of the United States at large; and particularly for their brethren who have served in the field; and, finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of the mind, which were the characteristics of the Divine Author of our blessed religion; without an humble imitation of whose example, in these things, we can never hope to be a happy nation.

I have the honor to be, with much esteem and respect, Sir, your Excellency's most obedient and most humble servant,

GEO. WASHINGTON.

II. THE RESIGNATION OF WASHINGTON'S COMMISSION.

MR. PRESIDENT:—The great events on which my resignation depended, having at length taken place, I now have the honor of offering my sincere congratulations to Congress, and of presenting myself before them, to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country.

Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States, of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in my abilities, to accomplish so arduous a task, which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven.

The successful termination of the war has verified the most sanguine expectations: my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increase with every review of the momentous contest.

While I respect my obligations to the army in general, I should do injustice to my own feelings, not to acknowledge in this place, the peculiar services and distinguished merits of the persons who

have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit me, Sir, to recommend, in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

I consider it as an indispensable duty, to close this last solemn act of my official life, by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them, to His holy keeping.

Having now finished the work assigned me, I retire from the great theatre of action and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life.

To this Address, the President of Congress answered as follows:—

SIR:—The United States, in Congress assembled, receive, with emotions too affecting for utterance, the solemn resignation of the authorities under which you have led their troops with success through a perilous and a doubtful war. Called upon by your country, to defend its invaded rights, you accepted the sacred charge, be-

fore it had formed alliances, and whilst it was without funds, or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power, through all disasters and changes. You have, by the love and confidence of your fellow-citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, until these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in safety, freedom, and independency; on which happy event, we sincerely join you in congratulations.

Having defended the standard of liberty in this new world; having taught a lesson useful to those who inflict, and to those who feel oppression, you retire from the great theatre of action, with the blessings of your fellow-citizens; but the glory

of your virtues will not terminate with your military command; it will continue to animate remotest ages.

We feel, with you, our obligations to the army in general, and will particularly charge ourselves with the interest of those confidential officers, who have attended your person to this affecting moment.

We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching Him to dispose the hearts and minds of its citizens, to improve the opportunity afforded them, of becoming a happy and respectable nation; and for you, we address to Him our earnest prayers, that a life so beloved, may be fostered with all His care; that your days may be happy, as they have been illustrious, and that He will finally give you that reward which this world cannot give.

SERIES SIX

LECTURES EIGHTEEN TO TWENTY-ONE (Part 1)

The Confederation and the Constitution, 1783—1787

18. Conditions and Problems after the Revolution
19. Commerce, Finance and Foreign Relations
20. Internal Affairs, Western Settlements and New Governments
21. The Formation and Adoption of the Constitution (Part 1)

THE UNITED STATES

CHAPTER I.

1783.

CONDITIONS AND PROBLEMS OF THE COUNTRY AFTER THE REVOLUTION.

Political sentiment after the war — Sentiments of foreigners — Extent of settlements — Population of the colonies — Descriptions of Boston, New York, Brooklyn, Philadelphia, Pittsburg, Baltimore, and other towns — Difficulties of travel — Status of the State governments — The Judiciary — Suffrage qualifications — Social and economic conditions — The stage — Religious conditions — Church organisations — Education — Newspapers — Industry — Labor conditions — Slavery and slave trade — Currency — Penal affairs — Problems before the people.

WITH the signing of the preliminary articles of peace at Paris, the struggle for independence was practically ended, and the United States was a free nation. The struggle had been long and arduous; the patriots had endured indescribable hardships and had overcome stern and bitter trials; but perseverance had gained the meed, and patience had won the race. They were now free from foreign domination, in possession of a vast domain the possibilities of which they had not even the slightest conception, and before them lay the future which was their own to do with as they saw fit. It only depended upon themselves as to whether that future was to be bright or dark.*

Yet the actual conditions existing at the present time were far from encouraging, for the people had been compelled to win independence at the point of the sword, and the natural outcome was that the country should be in a deplorable state, lands desolated, poverty general and homes broken up by deaths. Resources were to a great extent dried up, finances in a deplorable condition, trade and commerce practically destroyed, agri-

* Writing to Monroe from Paris, June 17, 1795, Jefferson said: "It [a sojourn in France] will make you adore your own country, it's soil, it's climate, it's equality, liberty, laws, people & man-

ners. My God! how little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy. I confess I had no idea of it myself. While we shall see multiplied instances of Europeans going to live in America, I will venture to say no man now living will ever see an instance of an American removing to settle in Europe & continuing there. Come then, & see the proofs of this, and on your return add your testimony of every thinking American, in order to satisfy our countrymen how much it is their interest to preserve uninfected by contagion those peculiarities in their government & manners to which they are indebted for these blessings."—Ford's ed. of Jefferson's *Writings*, vol. iv., p. 59.

culture almost ruined,* and to make matters still worse there was practically no central authority to which the inhabitants could appeal to secure justice and equity. A mountain of debt was pressing upon what little central authority there was, but even this government was on the brink of destruction and no one could tell the exact status of political affairs. The statesmen of the period saw that there was a large work yet to be done and that a crisis had to be met which was of prime importance to the welfare of the whole nation and only secondary to the struggle for existence itself. Madison said that, "unless some amicable and adequate arrangements be speedily taken for adjusting all the subsisting accounts and discharging the public engagements, a dissolution of the Union will be inevitable."†

In 1783 the love of Union, as a sentiment for which men would undergo all manner of hardship, had scarcely come into existence among the people of the emancipated colonies. But nine years had elapsed since in the first Continental Congress the States had begun to act in concert, under the severe pressure of common fear and an immediate necessity of action. Even then the war was allowed to languish and had almost failed because of the difficulty of securing concerted action; the

length of the war was due chiefly to this lack of organization. Congress had steadily declined in power and was much weaker at the end than at the beginning of the war. There was also much fear that with the war so happily concluded, what little interest the people had in the Confederation would die out altogether and the need for concerted action cease to be felt, whereupon the Union would break to pieces. As Fiske says: "Unless the most profound and delicate statesmanship should be forthcoming to take this sentiment under its guidance, there was much reason to fear that the release from the common adhesion to Great Britain would end in setting up thirteen little republics, ripe for endless squabbling, like the republics of ancient Greece and mediæval Italy, and ready to become the prey of England and Spain, even as Greece became the prey of Macedonia."* Fiske quotes the remarks of Josiah Tucker, Dean of Gloucester, in which he says: "The mutual antipathies and clashing interests of the Americans, their difference of governments, habitudes and manners, indicate that they will have no centre of union and no common interest. They can never be united into one compact empire under any species of government whatever; a disunited people till the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little

* Ford's ed. of *Jefferson's Writings*, vol. iv., p. 140.

† Gay, *Life of Madison*, p. 36.

* Fiske, *Critical Period of American History*, p. 57 (4th ed., 1889, Houghton, Mifflin & Co.)

commonwealths or principalities, according to natural boundaries, by great bays of the sea, and by vast rivers, lakes and ranges of mountains." How mistaken! And yet Tucker was only one among many who thought so, while the events for several years after the conclusion of peace seemed to indicate the fulfilment of his prophecy. George III. believed we would get into such a snarl that the States one by one would ask to be taken back into the British fold, while Frederick of Prussia said that the mere extent of territory from Maine to Georgia would in itself be sufficient either to break up the country or to make a monarchy necessary.* Would that he could return to life at the present time!

The treaty of 1783 by which America secured independence from England clearly defined the boundaries of the region surrendered by the mother country. This region stretched from the Atlantic Ocean west to the banks of the Mississippi, and from the Great Lakes on the north southward to the 31st parallel and the southern border of Georgia. Of the thirteen original States among whom this vast tract was parcelled seven had well-defined boundaries, while some of the remaining six claimed the lands now comprising other States, and the rest claimed lands which were only limited by the waters of the Mississippi.†

The present generation can scarcely conceive the wild conditions prevailing at that time in this vast territory. The country was in effect an Atlantic confederacy, as every State bordered upon that ocean or its tide-waters and the Alleghanies "seemed as remote as did the Pillars of Hercules to the ancients."* Along the coastline from Maine to Georgia there was a narrow line of towns and hamlets. Maine, still owned by Massachusetts, contained not more than 100,000 population. Outside of Portland and Falmouth, scarcely a settlement of any size existed, and such as did, consisted of a few fishermen's cots of the rudest type. Thence toward the St. Lawrence stretched an almost unbroken solitude. New Hampshire contained but few settlements of any size, chiefly in the White Mountains region. Albany and Schenectady were the principal towns in Northern New York, but the rich valleys of the Mohawk and the Genesee had hardly as yet begun to produce food products for the nourishment of the large cities and were still covered by dense forests — the hunting grounds of the Cayugas, the Oneidas and the Mohawks. Western Pennsylvania, though having given some indication of vast mineral wealth, had not as yet brought forth her rich deposits of

of the United States from the Revolution to the Civil War, vol. i., p. 3; James Schouler, *History of the United States under the Constitution*, vol. i., p. 2.

* Schouler, vol. i., p. 3.

* *Ibid.*, p. 58.

† John B. McMaster, *A History of the People*

coal and iron that were to astonish the world. The backwoods of Virginia contained only a straggling village here and there; beyond the Blue Ridge, Indian warfare was still carried on by Daniel Boone and the Cherokees in the cane-brakes of Kentucky; and on the fertile plains of western Tennessee were but a few log huts. Natchez had been settled by a few pioneers; St. Louis had been founded; Pittsburg had not grown beyond the limits of a military post; and Cincinnati, even as late as 1795, contained but 95 log cabins and 500 inhabitants. These western settlements and their affairs were almost unknown to a large portion of the eastern or coast inhabitants. The West was a vast solitude of unbroken forests and the people knew little more about it than about darkest Africa; while beyond the Mississippi buffaloes wandered in herds; the plains stretched for miles unbroken by mountains or forests; the grass grew high and the flowers were beautiful; and the native Indian still had to see his first white man.*

The precise population of the colonies at the end of the Revolution cannot be stated absolutely, but it probably was not far from 3,250,000. In 1790 the first census indicated that there were 3,929,214 human beings in the country;† and, allowing a growth

of 100,000 per year during the seven years from 1783 to 1790, it would probably be as near the truth as it is possible to come to estimate the population at 3,250,000, though Schouler estimates it at "somewhat less than three and a half million souls, of whom probably 600,000 men, women and children are held in servitude to white masters.* As will be seen by the table, Virginia, North and South Carolina contained more than a third of the entire population, chiefly because they were renowned as highly productive agricultural regions, and were famous for their crops of tobacco, rice, indigo, pitch and tar, while, on the other hand, New England could grow scarcely enough corn and rye to supply the needs of the citizens.†

abstract of the United States for 1907 distributes this as follows:

Maine	96,540
Massachusetts	378,787
New Hampshire	141,885
Vermont	85,425
Rhode Island	68,825
Connecticut	237,946
New York	340,120
New Jersey	184,139
Pennsylvania	434,373
Delaware	59,096
Maryland	319,728
Virginia	747,610
Tennessee	35,691
North Carolina	393,751
South Carolina	249,073
Georgia	82,548
Kentucky	73,677

Total **3,929,214**

* McMaster, *United States*, vol. i., pp. 3-5. On the conditions in the West at this time, see Roosevelt, *Winning of the West*, vol. iii., chap. i.

† The Table on page 30 of the *Statistical Ab-*

* *History of the United States*, vol. i., pp. 3-4.

† McMaster, *United States*, vol. i., pp. 9-10.

Boston, situated on three hills, contained about 2,100 houses with 14,640 inhabitants, and could boast of a rude ferry service between the North End and Charlestown, but it was not until 1786 that the Charles River was spanned by a bridge.* The streets of the city were irregular, the sidewalks were unflagged, and the roads in poor condition. In the older portions of the city the houses were mean and squalid, and built entirely of wood and generally unpainted, but on the west side of the town the streets were neater, many of the houses were of brick and were set back in little gardens, thus presenting a beautiful and homelike appearance.† A few houses were strung along the post-road at Springfield; Lawrence and Manchester were hamlets of only a few houses each; and even as late as 1820 the site of Lowell was a favorite resort for hunters.‡ There were, however, several noted whaling ports, which before the war were highly prosperous, such as Falmouth, Barnstable, Martha's Vineyard, Cape Ann, New London and the most noted, Nantucket, a little town which stood on a strip of land about four miles wide and fifteen miles long. But the war ended the pros-

perity, at least for Nantucket; her docks and wharves were deserted, grass grew in her streets and things in general were in a sad state of decay.*

Prior to the Revolution, New York contained about 23,000 inhabitants and was the seat of great commercial activity, but when the British evacuated it more than a third of the town lay in ashes, her commerce was gone, her treasury empty and her citizens (at least all except the Loyalists who had remained in the city during the British occupation) were starving in the wilds of New Jersey. In 1786 her population was about 24,500, and there were about 3,500 houses. The city itself covered a small area, being bounded by Anthony Street on the north, Harrison Street on the west, and Rutgers Street on the east, and within its small confines were not only the business and public buildings, but also residences, many of which were surrounded by large gardens. At that time the present Greenwich Street was a beach upon which the seine was regularly drawn; Beekman's swamp was a splendid place for duck shooting, and Berkeley's woods were alive with wild pigeons.†

No effort had been made to eradicate the traces of the fire by erecting houses, and in 1784 the devastated area was in practically the same state

* S. F. Thomas, *Reminiscences of the Last Sixty-Five Years*, p. 14.

† See Henry Wansey, *Excursion to the United States of North America in the Summer of 1794*; Drake, *Landmarks of Boston*; and a *Description of Boston: with a view of the Town of Boston, finely engraved*, in *Columbian Magazine* (December, 1787).

‡ Miles, *Lowell as it Was and as it Is*, p. 10.

* McMaster, *United States*, vol. i., pp. 63-64; Brown, *History of the Whale-Fishery*; Obed Marcy, *History of Nantucket Island*.

† McMaster, vol. i., pp. 52-53, 64.

of desolation. Below the site occupied by the present city hall was the common, known at the "Flat" or "Vlackte," north of which was a fresh water pond called the Collect, and to the east of which lay Beekman's swamp, where Jacobus Roosevelt erected his tanneries and began the industry of which that section of the city is the centre.* Several hundred horses and cows might have been seen grazing in the open fields about Reade Street, where there was a burying ground for negroes and scarcely a single house.† Orchards and gardens lined the Bowery; near Gramercy Park was Crummashire Hill; the upper end of Broadway above Anthony Street ended in the meadows; and to the west of Canal Street lay the Lispenard meadows, the mecca of sportsmen. Further up on the island were numerous stately mansions, such as the home of Robert Murray at Inclenbergh, the Apthorpe mansion on Bloomingdale road, the Beekman mansion on the East River at Turtle Bay, and the Roger Morris mansion overlooking the Harlem.

The streets of the city were for the most part unpaved, and the few street-lamps of which the city boasted were rarely lighted on wet nights. The majority of the signs on William Street were in Dutch, and a knowledge of that language was indispensable in the transaction of business or

in social life.* There were ferries to Brooklyn consisting of clumsy row boats, flat-bottomed square-end scows fitted up with sprit sails, and two masted boats called periguas. On pleasant calm days there was little danger and the trips might be made with a degree of comfort and some rapidity, but, if the wind blew with the tide or if there were a strong flood or ebb, it sometimes took an hour to cross. These boats transported passengers, freight and cattle, and many of the latter were lost because at times they would all get to one side of the boat and tip it over or they would become frightened and jump or fall out. It was not until the rude steamboats of Fulton made their appearance at New York that there was any comfort in crossing the river.† Fulton, however, was not the first to operate a steamboat. In the latter part of 1787, James Rumsey exhibited a boat on the Potomac which was propelled by means of a steam pump which forced a stream of water from the stern.‡ On August 22, 1787, after

* See Dunlap, *History of New Netherlands*; Watson, *Historical Tales of the Olden Times in New York City and State*; Denton, *Brief Description of New York*; Duer, *New York as it was during the latter part of the Last Century*; M. L. Booth, *History of the City of New York*; Valentine, *History of the City of New York*.

† Stiles, in his *History of the City of Brooklyn*, vol. iii., pp. 504-540, gives much information regarding the Brooklyn ferries. See also *An Historical Sketch of Fulton Ferry and its associate Ferries*, by a Director (H. E. Pierrepont).

‡ McMaster, *United States*, vol. i., pp. 435-436. Writing to Jefferson January 9, 1785, Madison says: "J. Rumsey, by a memorial to the last

* McMaster, vol. i., p. 54.

† Lamb, *City of New York*, vol. ii., p. 286.

several trials, John Fitch made a successful trip on the Delaware at Philadelphia, in a vessel 45 feet long and 12 feet beam, with an engine having a 12-inch cylinder. In 1788 and 1790 larger vessels were built and throughout the summer one was run as a passenger boat at 8 miles an hour to Burlington, 20 miles distant, to Bristol, Bordentown and Trenton.* In the summer of 1796, Fitch gave the first demonstration of a steamboat with a screw propeller on the Collect Pond, New York. The boat was 18 feet long and 6 feet beam and its boiler was a 10- or 12-gallon iron pot.† Before 1800 Elijah Ormsbee, a Rhode Island mechanic, sailed up the Seekonk River in a boat driven by paddles, and Samuel Morey steamed

up the Connecticut in a boat of his own design and construction. In 1804 John Stevens built a boat in which he placed a Watt engine and made several trips on the Hudson, and in the same year Oliver Evans ran a paddle wheel vessel on the Delaware and the Schuylkill.*

Further up the State were Albany; Poughkeepsie, which was prosperous enough to support a weekly journal; Troy, a settlement of a few houses, as were also Tarrytown and Newburg. Albany was purely a Dutch town. Its principal streets ran parallel with the river, were wide, unpaved, and during the winter and early spring, when the snows were thawing, heavy with mud. The business district centred about Pearl and Water Streets. The houses, built three sides of wood and the front of brick, were constructed in the Dutch Gothic style, a novel feature being the tin gutters which extended from the roofs over the footpaths and which in rainy weather discharged the water into the unpaved streets. The valley of the Mohawk was still in its wild state. Syracuse was the haunt of wolves and foxes; Oswego was a frontier military post; on the site where Rochester now stands swarmed deer and black bear; and at Saratoga the famous mineral waters were as yet unknown, except possibly to the Indians.†

session, represented that he had invented a mechanism by which a boat might be worked with little labor, at the rate of from 25 to 40 miles a day, against a stream running at the rate of 10 miles an hour, and prayed that the disclosure of his invention might be purchased by the public. The apparent extravagance of his pretensions brought a ridicule upon them, and nothing was done. In the recess of the Assembly, he exemplified his machinery to General Washington and a few other gentlemen, who gave a certificate of the reality and importance of the invention, which opened the ears of the Assembly to a second memorial. The act gives a monopoly for ten years, reserving a right to abolish it at any time by paying \$10,000. The inventor is soliciting similar acts from other States, and will not, I suppose, publish the secret till he either obtains or despairs of them."—*Madison's Works* (Congress ed.), vol. i., p. 128.

* Westcott, *Life of John Fitch, Inventor of the Steamboat* (1857); R. H. Thurston, *Growth of the Steam Engine* (1878); *Pennsylvania Historical Society Collections*, vol. i., p. 34 (May, 1851); McMaster, *United States*, vol. i., pp. 432-434.

† Lamb, *City of New York*, vol. ii., p. 424 *et seq.*

* McMaster, *United States*, vol. i., p. 50.

† *Ibid.*, vol. i., pp. 58-61.

South of New York lay Philadelphia, the most important city of the time, containing 4,600 houses and about 32,200 population. It was the richest and the most extravagant and fashionable city on the continent; its houses were elegant, the streets regularly arranged, and the pavements well kept and clean, but the carriage ways were filthy and full of dead dogs and cats, becoming the subject of satire until the street commissioners were compelled to perform their duties and render the thoroughfares clean and wholesome.* Its principal street and most fashionable walk was Chestnut Street, now the great commercial street of the city. In western Pennsylvania was the frontier post of Pittsburg, the successor of old Fort Duquesne, in 1784 numbering about 100 dwellings and about 1,000 inhabitants. It was the centre from which emigrants started for the West and from which travelers were carried in keel-boats, Kentucky flat-boats and Indian pirogues down the waters of the Ohio.†

Baltimore, Maryland, was the next important city to the south of Philadelphia; Market Street was its most beautiful, gay and fashionable quarter, the rows of low rambling houses

lining which were the pride of the citizens. The houses were painted with bright colors, and here and there the succession was broken by a stately brick mansion owned by a rich merchant. The city was noted for its gayety, the favorite amusements being balls, routs and dancing assemblies.*

At the time of the Revolution the difficulties of traveling formed an important social obstacle to the union of the States, and the lack of means of rapid communication undoubtedly led to many misconceptions on the part of the inhabitants of one section of the country regarding the others. In 1783 two stage coaches sufficed to transport all the travelers between Boston and New York, and the larger part of the lighter freight. The journey usually consumed from a week to ten days, depending upon the condition of the roads. In bad weather it was often necessary that the passengers alight and, after lifting the wheels out of deep ruts, to proceed on foot until the roads again became good. Rivers like the Connecticut and the Housatonic were not yet bridged, and it was necessary to row across, except at such times as the ice was sufficiently solid to bear the weight of the coach. Oftentimes both in summer and winter passengers were spilled from boats and drowned and all considered them-

* McMaster, vol. i., pp. 64-65, note.

† See the description of the city in the *Pittsburg Gazette*, July 29, 1786; *An Early Record of Pittsburg* in *Historical Magazine*, vol. ii.; Craig, *History of Pittsburg*; *Journal of Thomas Chapman*, in *Historical Magazine* (June, 1869); *Autobiography of Major Samuel Forman*, in *Historical Magazine* (December, 1869).

* See Scharf, *History of Baltimore* (Baltimore, 1874); Love, *Baltimore: The Old Town and the Modern City* (Baltimore, 1895).

selves fortunate to reach New York even in a jaded and completely exhausted condition. This was the condition in the "civilized" Northern States, and in the South conditions were still worse, though probably in no part of America were conditions worse than in England and France.* Consequently, people made as few journeys as possible and then chiefly upon only the most urgent business. As the mails were unfrequent and uncertain, and the rates of postage high, letters were few and far between. Commercial dealings between the various States were inconsiderable; cities were few and small; and each little community for the most part supported itself. Under such circumstances, it was not surprising that the different States knew little about each other and were intensely prejudiced; for, save the soldiers of the Revolutionary army, the great portion of the populace lived and died without ever having seen any other section of the country than their own.

The people were intensely loyal to their State governments and in the eyes of the people the legislative assembly was the only power on earth competent to lay taxes upon them.† With the exception that a few royal governors had been expelled, the work of remodelling the State governments had not been revolutionary in its character. The case may

be stated to have been a simple retention of the freedom which, as English subjects, they had always enjoyed, but which George III. had foolishly sought to impair. When the Declaration of Independence was issued, there were three kinds of government in the colonies. Connecticut and Rhode Island were republics with governors and assemblies elected by the people; in Pennsylvania, Delaware and Maryland the assemblies were chosen by the people but the governors were appointed by the proprietories—a sort of limited hereditary monarchy; and in the other eight colonies the governors were appointed by the king, while the people elected the legislatures—vice-royalties. Upon the successful termination of the Revolution, no change was necessary in the charters of Connecticut and Rhode Island, except the omission of the king's name from legal documents; while the other colonies were compelled to frame new constitutions, most of which in their essentials followed the old colonial charters. The majority of the colonies had two branches in the legislatures, called by various names, and in most of the States a property qualification was requisite to membership in the legislature. In those States which had governors instead of executive councils, according to the new constitution, the governors (except in New York) were chosen by the legislature and a specified amount of property was required;

* Fiske, *Critical Period of American History*, pp. 61–62.

† *Ibid.*, p. 63.

the governor could not be reëlected, had no veto upon the acts of the legislatures, nor power to appoint officers. Pennsylvania, Delaware, New Hampshire and Massachusetts had executive councils, but sooner or later these were replaced by governors elected by the people, and within a comparatively short time the powers of all governors were enlarged.*

The common law of England still remained in force throughout the length and breadth of the land, and all statutes enacted prior to the Revolution continued in force when not expressly repealed. In addition to the system of civil and criminal courts, the courts of probate, the functions of justice of the peace, the remedies in common law and equity, the forms of writs, all were substantially enlarged. Judges held office for life or during good behavior in all the colonies except Pennsylvania, Delaware and New Jersey, where the term was seven years, and in all the States except Georgia they were appointed either by the governor or legislature; in Georgia the judges were elected by the people for short terms.

The qualifications for suffrage were different in the various States. In New Hampshire, Pennsylvania, Delaware and South Carolina all who paid taxes could vote; in North Carolina such persons could vote for members of the lower house, but a free-

hold of 50 acres was requisite for those who voted for senators; while in Virginia only those who possessed a freehold of 50 acres could vote at all. In New York only those who possessed an unmortgaged freehold of \$250 could vote for governor or for senators, while \$50 or a yearly rent of \$10 was required to vote for assemblymen. Rhode Island required an unincumbered freehold of \$134, but in Rhode Island and Pennsylvania the eldest sons of qualified freemen could vote without paying taxes. In the other colonies a small amount of real or personal property, ranging in value from \$33 to \$200, was required.*

The social, religious, and economic conditions were only fair, even considering the long struggle through which the colonists had passed. Those who possessed libraries and those who were fond of reading perused such serious books as *The Lives of the Martyrs*; Vattel's *Law of Nations*; Watt's *Improvement of the Mind*; Rollin's *Ancient History*; *Pilgrim's Progress*, etc., and the mistress of the house was as familiar with the contents as the master. These books necessarily came from beyond the Atlantic, and three-fourths of them were by English men of letters and printed by English printers. The younger set among the women of Boston and New England paid more attention to embroidery, painting,

* Fiske, *Critical Period*, pp. 64-68.

* Fiske, *Critical Period*, pp. 69-70.

drawing and cooking than to reading; while the less rigid and austere among them spent their spare time in calling, attending quilting parties and spinning-matches, and once a fortnight going to the public dances in Concert Hall. Nearly all toiled for a living; land was closely subdivided, and there were many freeholders but few patrons. Public schools had been in existence for a long time and religious discipline was strict. The former class pretensions had been much loosened by the war; and though to a great extent possessed of an austere, fanatical spirit handed down by their Puritan progenitors, though of a narrow disposition and often niggardly in their economies, the New Englanders possessed strong backbones, much audacity and a conscientious disposition, and were thrifty to a remarkable degree.*

As before stated, Philadelphia was the most fashionable city in America. Her men were dressed in the latest of fashion and the women wore gorgeous brocades and taffetas, draped over wondrous and cumbersome hoops, tower built hats, bedecked with feathers of all descriptions and hues, high wooden heels on their shoes, fine satin petticoats and in their mouths had implanted teeth.† Select dancing assemblies were held fortnightly at £3 15s per season ticket.

In the South social customs had

scarcely changed from those in vogue in the years prior to the Revolution. The Virginia mansions were the same as before and the owners continued to serve their families and guests with the luxuries of the New World and the Old, chief among them being Madeira wine and rum. In such times as he was not attending to social functions, the rich planter devoted his energies to developing his estate and to the performance of his public duties. His son attended the nearest Anglican school, and if not sent to England for a higher education was sent to William and Mary College, after which he returned home and endeavored to secure election to the House of Deputies. Skilled mechanics were few, and as a result even the houses of the wealthy would be found with broken window panes, smoky chimneys, etc. The poor white possessed little ambition to improve his lot; he was indolent, good-natured, generous and hospitable, fond of his State and its great men and ready to fight for their honor. Cock-fights and horse-racing were favorite amusements; and politics the principal diversion from labor. The Virginia gentleman was a born politician, as indeed were most Southern planters who possessed means.*

While the state of letters was low and the fine arts neglected throughout the colonies the stage received considerable patronage, although in

* Schouler, *United States*, vol. i., pp. 8-9.

† McMaster, *United States*, vol. i., p. 65.

* Schouler, *United States*, vol. i., pp. 10-12.

many communities the theatre was proscribed. In Massachusetts stringent laws were enacted against it, while New York and Philadelphia held the stage in abhorrence and considered the players immoral. Much opposition sprang up against the theatre and all sorts of arguments were advanced for its suppression, some even going so far as to say that the country had more to fear from the theatre than from the navigation acts, the weakness of Congress and the quarrelsome disposition of the States.* A bill was introduced in the Pennsylvania Assembly to lay a heavy fine upon anyone who should put up a theatre, playhouse, stage or scaffold, wherein or whereon should be acted tragedy, comedy, tragic-comedy, farce, etc.† There was much opposition to the theatre in Boston, but after a few arrests the excitement subsided, and in 1785 a stock company erected a theatre, the shares numbering 120 at £50 sterling apiece.

Perhaps in no other section of the country did religion have such a hold on the people as in New England, for while the influence of the minister in matters of government and politics had waned since the beginning of the Revolution, he still was the guide to truth, the oracle of divine will, and a member of the most learned and respected class of the community, being regarded with profound reverence, if not with awe. After the war, he

found himself in common with his neighbors in the depths of poverty; his salary, which was meagre at best, began to be delayed in payment and then was often paid in produce; and he was forced to tutor children for college, for which he received a miserable pittance. Yet this in no wise impaired his usefulness in the community; his sermons were as bright and learned as before; and the public paid him the same amount of respect.

Some progress had been made in the direction of a more complete religious freedom. The only States in which all Christian sects stood on an equal footing were Pennsylvania and Delaware. Protestants enjoyed equal privileges in Rhode Island, but Catholics were debarred from voting. The old Puritan Congregationalism was the established religion in Massachusetts, New Hampshire and Connecticut, and in these States laws against blasphemy, which were virtually laws against heresy, were still in force. In Massachusetts, Catholic priests were liable to imprisonment for life, and anyone who should dare to speculate too freely concerning the nature of Christ or the philosophy of salvation or express doubts concerning the inspiration of the Bible, was subject to fine and imprisonment. Sabbath breakers were still arrested and confined in the town cage; unnecessary riding or driving on Sunday was prohibited, and people were forced to go to meeting whether they

* McMaster, *United States*, vol. i., p. 90.

† *Ibid.*, p. 90 *et seq.*

would or not. Many attempts had been made to repeal these barbarous laws, but the best that could be done was to obtain a provision that dissenters might escape the church rate by supporting a church of their own. It was not until the early years of the Nineteenth century that church and State were finally separated in Massachusetts. The New Hampshire and Connecticut constitutions were similarly illiberal, and it was not until 1784 that Rhode Island extended the franchise to Catholics.*

In New York up to the time of the Revolution the Dutch clergymen clung to their native tongue and scarcely a word of English was heard in the Dutch churches; afterward, however, it was changed, but the change in language was not attended by a change in ceremony. The Methodist church was just now beginning to make headway in the colonies, the largest of their churches being at Albany.

In New Hampshire, Massachusetts, Connecticut, Rhode Island, Pennsylvania and Delaware the people were strongly opposed to the establishment of the Church of England, and no serious attempt was made in that direction. In New York the people languidly acquiesced in its maintenance; it was endured by the Quakers and Presbyterians of New Jersey and North Carolina, and by the Puritans and Catholics in Maryland;

while it was held in contempt in the turbulent frontier commonwealth of Georgia. But in South Carolina and Virginia it had a strong hold upon the people. When the colonies gained independence, the Episcopal Church was separated from the State, not only in South Carolina, but in all those States where it had been upheld by the British government; and in the constitutions of New Jersey, Georgia, the Carolinas, Delaware and Pennsylvania it was explicitly provided that none should be obliged to pay a church rate or attend any religious service unless he so desired. In Virginia, the already discredited clergy of the Church of England had still further discredited themselves by adhering to the royal cause during the Revolution and had lost their influence with their congregations. At the same time the Church had come to be a minority in the community, for the Scotch and Welsh Presbyterians, German Lutherans, English Quakers, and Baptists had been working their way southward from Pennsylvania and New Jersey, settling chiefly west of the Blue Ridge.*

So long as the newcomers protected the frontiers they were not molested, but when the Indians ceased to cause trouble and the various congregations began to grow and become prosperous, the church party attempted to tax them for the support of the Church of England and to

* Fiske, *Critical Period*, pp. 76-77.

* Fiske, *Critical Period*, pp. 78-80.

compel them to receive Episcopal clergymen as preachers. These denominations naturally protested, and finally in 1776 all the dissenters were released from parish rates and all forms of worship were legalized.* In 1785 the Religious Freedom Act was passed, disestablishing the Church of England, abolishing parish rates, and doing away with all religious tests. But, in turn, the persecuted became the persecutors and proceeded to confiscate the property of the Church of England under the contention that the property of the Church had been largely created by unjustifiable taxation. Its parsonages and glebe lands were sold in 1802; its parishes wiped out; and its clergy left without a calling.†

Until after the Revolution there were no bishops of the English Church in America, and between 1783 and 1785 it was difficult to see how one could be ordained, for the law compelled all who should be admitted into the ranks of the English clergy to take an oath of allegiance and acknowledge the king as the head of the Church. Numerous attempts were made to have bishops consecrated, but

without avail, and finally a constitution for the "Protestant Episcopal Church of the United States of America" was passed at a convention of the churches of the various States. At the same time a friendly letter was sent to the bishops of England urging them to secure legislation by Parliament, giving American clergymen the right to be ordained without taking the oaths of supremacy and allegiance. This was done, and accordingly three American bishops were ordained in due form. Thus the Episcopal Church in America was fairly started on its independent career.

Meanwhile the first Methodist church in America had been founded in New York in 1766. When, in 1772, Wesley sent over Francis Asbury to act as his representative in this country, there were less than 1,000 Methodists and six preachers in the country, chiefly in the Middle and Southern colonies, but because of Asbury's eloquence, this number had increased seven fold within five years. After the Revolution, the American Methodists cut loose from the English establishment, and Wesley then sent Thomas Coke out as bishop for America and in 1784 he began his work in Maryland. In December of that year, at a conference of 60 ministers at Baltimore, Asbury was chosen the first American bishop and was ordained by Coke. Thus the Methodist Church in America was organized. Four years later, the

* See Jefferson's *Notes on Virginia*, in Ford's ed. of *Jefferson's Writings*, vol. iii., p. 262.

† Fiske, *Critical Period*, pp. 79-82. On the dispute in Virginia see Hunt, *Life of Madison*, chap. ix. For Jefferson's draft of the bill for establishing religious freedom in Virginia, see Ford's ed. of *Jefferson's Writings*, vol. ii., pp. 237-239. The bill as passed is in Henning's *Statutes*, vol. xii., p. 84. See also Conway, *Edmund Randolph*, pp. 158-166; Gay, *Life of Madison*, pp. 65-70; Madison's *Works* (Congress ed.), vol. i., pp. 129-130.

Presbyterians organized their government in a general assembly which was also largely attended by Congregationalist delegates from New England. In New England the lay members were beginning to revolt against the doctrine of eternal punishment and the seeds of Unitarianism were germinating. In 1789 the first Roman Catholic Church in New England was dedicated at Boston, for so great had been the prejudice against the sect in that region that in 1784 there were only 600 Catholics in all New England. The chief stronghold of the Catholics was Maryland, where there were 20,000; in New York and New Jersey there were 1,700; in Delaware and Pennsylvania, 7,700; in the four southernmost States, 2,500; and in the French settlements along the eastern bank of the Mississippi it was calculated that there were about 12,000. In 1786 John Carroll, a cousin of Charles Carroll of Carrollton, was appointed apostolic vicar by the Pope, and subsequently became bishop of Baltimore and archbishop of the United States. By 1789 all the States had rescinded their statutes against Catholic worship.*

Education had not made great advancement. Schools for boys were held two months in the winter, the teacher being a man; the girls attended for two months in the summer and were generally taught by a woman. If the boys were fortunate,

they were sent to a seminary or an academy and thence to Harvard or Yale; but if not, the district school constituted their source of learning. Arithmetic, geography, spelling and commercial usages and customs were the principal things to be learned; political economy, geology, paleontology, etc., were almost unknown; but Latin and Greek, logic, metaphysics, rhetoric, etc., were considered necessary acquirements. In New York and Pennsylvania a schoolhouse was seldom seen outside a village or town; and in the Southern States education was sadly neglected, especially in North Carolina,* where in 1776 there were only four grammar schools and during the Revolution none.† In 1775 there were 37 newspapers in circulation throughout the colonies: 14 in New England; 4 in New York; 9 in Pennsylvania; 2 each in Virginia and North Carolina; 3 in South Carolina and 1 in Georgia. At the end of the war there were 43, and scarcely one contained any news of the times, devoting its columns chiefly to exhortations to righteousness, etc. They did, however, contain some valuable letters from different parts of the country, such scraps of information usually being extracted from private communications passing between the city inhabitants and friends in remote districts.

* On the scarcity of schools in Virginia see *Life of Archibald Alexander*, pp. 11-12.

† McMaster, *United States*, vol. i., p. 27, quoting Ramsay's *History of South Carolina*.

* Fiske, *Critical Period*, pp. 85-87.

The principal industry in the vicinity of Boston was truck-farming, upon which the Boston people depended for their daily food. Apples and pears were abundant; raspberries and strawberries grew wild; oranges and bananas were luxuries; and the tomato, cauliflower, or egg plant had not yet been cultivated. The farms were poor and ill-kept, fences were broken down and the barns mean and small; the wooden bull-plough was the chief agricultural instrument; grain was sowed broadcast and when ripe was cut with a scythe, and thrashed on the barn floor with a flail. The condition of manufactures was not encouraging. There were a few paper mills, an iron foundry or two, and a hat factory;* the whale fisheries had dropped somewhat in their importance.

The so-called "laboring" classes were in better shape than they had been for some time, even though their wages were small and in fact not half as large, considering the depreciation in the value of money. The unskilled laborer of that day received two shillings per day for his work unless laborers were scarce, in which case the price was raised; and the man who received 15 shillings per week was considered fortunate. It seems to have been the consensus of opinion that the wages of labor were at least

50 per cent. higher in 1784 than in 1774. But his existence was pitiable. His dingy home was devoid of comfort; no carpet covered the floor; there was no glass on his table, china in his closet or pictures on his walls. His rude and poor meals were served on pewter dishes and his scanty means could hardly afford even the staples, corn being three shillings per bushel, wheat at eight and six pence, pork at ten pence per pound and an assize of bread four pence, while fruits were too expensive for him to think of. His clothes were even coarser than his food.

Slavery and the slave trade still continued a source of much anxiety to many of the colonies. In 1776 negro slaves were held in all the thirteen colonies, but the fact that slaves were not so numerous in New England as in the South was due chiefly to the rigorous climate of the North, not to any sense of its immorality. The press and even the pulpit of early times regarded the transportation of savages to a civilized community as humane and Christian. But soon the sentiment in favor of abolishing this traffic began to grow, and several of the colonies, notably Virginia, in 1769, had enacted laws prohibiting the further importation of negroes to be sold into slavery. The English government, however, overruled these enactments, as "the trade was highly beneficial and advantageous to the Kingdom." When Jefferson made his first draft of the

* For Jefferson's description of conditions in Virginia, see his *Notes on Virginia*, reprinted in Ford's ed. of *Jefferson's Writings*, vol. iii., p. 111 *et seq.*

Declaration of Independence, he inserted a clause charging that the king, in order to maintain a market for the sale of human beings, had "prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce." But this clause was omitted from the Declaration because, as Jefferson said: "Our Northern brethren also, I believe, felt a little tender under those censures; for, tho' their people have very few slaves themselves, yet they had been pretty considerable carriers of them to others."*

The sentiment for emancipation was gaining strength in all the colonies except South Carolina and Georgia, while in North Carolina the pro-slavery feeling was probably never so strong as in the southernmost States, though that State still continued its importations, in the absence of any emancipation sentiment. All the foremost statesmen of Virginia opposed a continuance of slavery, and the same was the case in Maryland; but it was easier to accomplish emancipation in the North than in the South, because the number of slaves was small.† All restraints

upon emancipation had already been removed in Delaware, and when its new constitution was adopted in 1776, that State prohibited the further introduction of slaves. In 1778 Virginia, in 1783 Maryland, and still later New Jersey prohibited the further introduction of slaves and removed all restraints upon emancipation. North Carolina sought to discourage the trade in 1786 by placing a duty of £5 on every negro imported. In 1780 Pennsylvania, in 1783 New Hampshire, and in 1784 Connecticut and Rhode Island provided that no more slaves should be brought in, and that all children of slaves born after those dates should be free, while New York went still further, in 1785 enacting that they should not only be free but should be given the franchise on the same conditions as freemen. In 1786 Virginia passed an act inflicting the death penalty on all persons convicted of kidnapping or selling into slavery any free person. In the Massachusetts constitution of 1780 was a declaration of rights asserting that all men are born free and have an equal and inalienable right to de-

but it bears a respectable proportion to the whole in numbers & weight of character, & it is continually recruiting by the addition of nearly the whole of the young men as fast as they come into public life. * * * In Maryland & N. Carolina a very few are disposed to emancipate. In S. Carolina & Georgia not the smallest symptoms of it, but, on the contrary these two states & N. Carolina continue importations of negroes. These have been long prohibited in all the other states." — Ford's ed. of *Jefferson's Writings*, vol. iv., pp. 145-146.

* Ford's ed. of *Jefferson's Writings*, vol. i., p. 28.

† Jefferson said: "I conjecture there are 650,000 negroes in the five Southernmost states, and not 50,000 in the rest. In most of these latter effectual measures have been taken for their future emancipation. In the former, nothing is done towards that. The disposition to emancipate them is strongest in Virginia. Those who desire it, form, as yet, the minority of the whole state,

fend their lives and liberties, to acquire property and to seek and obtain safety and happiness, which clause the supreme court decided was a complete abolition of slavery.*

There was no money standard for all the States; no national currency based upon a universally recognized unit. The State pound and the Spanish milled dollar were the two units of value in the various States, but the standards of coinage were different in each. In Georgia the pound contained 1,547 grains of silver; in Massachusetts, New Hampshire, Connecticut, Rhode Island, and Virginia it contained 1,289; in Pennsylvania, New Jersey, Delaware and Maryland 1,031¼; and in New York and North Carolina 966¾.† When subdivided into shillings and pence, the value of a penny was therefore very unequal in the different States. The Spanish milled dollar was the chief silver coin in general circulation and was divided into a half, quarter, eighth or sixteenth, each represented by a silver coin, containing whatever number of shillings or pence the custom or standard of the country into which it was taken demanded. In New England and Virginia the dollar was supposed to equal 6s, or 72d; 7s and 6d in Pennsylvania, New Jersey, Delaware and Maryland; 8s or 96d in New

York and North Carolina; and 4s and 8d in Georgia and South Carolina.*

Penal affairs were in a deplorable condition, the laws being especially harsh. Perhaps the worst prison in the country was the underground Newgate prison, an old worked-out copper mine near Granby, Connecticut, which was absolutely dark and reeking with filth.‡ At Northampton, Worcester, and other places in Massachusetts the jails were scarcely better, the cells being low and narrow, without light and almost without air. Though the cells in Philadelphia jails were themselves much larger, they were so crowded as to make the conditions no better; criminals of both sexes were huddled together in the same cells, without beds, oftentimes without clothing, unwashed, unshaved and generally half dead with disease. The modes of punishment consisted of the pillory, stocks, chains, whipping-post, branding, hanging by the thumbs, etc., while in Massachusetts ten crimes were punishable by death.‡

The problems before the people were many and vexatious, for the end of the war did not end the trials of the federated colonies. In addition to clearing away the wreckage resulting from several years of war, the people had to find a suitable political organization and begin seri-

* Fiske, *Critical Period*, pp. 71-75.

† See Jefferson's *Notes on the Establishment of a Money Unit, and of a Coinage for the United States*, in Ford's ed. of *Jefferson's Writings*, vol. iii., p. 449.

* McMaster, *United States*, vol. i., pp. 22-23.

‡ R. H. Phelps, *A History of the Newgate Prison* (1844).

‡ McMaster, *United States*, vol. i., pp. 98-102.

ously to exercise the privileges of independence in a manner which would show that they were capable of self-government. The war had been more than a mere contest between the colonies and the mother country, for to the rebellion had been added civil strife. It must be remembered that while a large majority of the people sympathized with the patriot cause, *only a small portion of the people were willing to risk life, fortune and material comfort for an ideal.* There were beside a body of Loyalists numerically almost as large as the patriot body and they were willing to risk all for the royal cause rather than prove traitors. In addition, there was a third body who cared little which side triumphed so that they were left in peace. These shifted with the wind, and were as ready, and perhaps more so, to fraternize with the English, drink their wine and receive their gold, as they were to profit by the depreciation in American currency and by the sale of supplies to the starving and half-clad American army. Little cared they whence their profit came. The civil strife was therefore one of the chief problems with which the citizens of the new nation had to deal after peace was established.

The Loyalists constituted approximately one third of the population,*

* Tyler, *The Party of the Loyalists in the American Revolution*, in *American Historical Review*, vol. i., pp. 27-29; Van Tyne, *The Loyalists in the American Revolution* pp. 94-105; Flick, *Loyalism in New York*, p. 182.

and many of them had been persons of wealth and social and political position before the war began, belonging chiefly to the conservative classes. Tens of thousands of these people were either expelled from the community or were voluntary exiles, and together with those who had died in battle or in prison, it is estimated that 100,000 men, women and children left the colonies during the war.* Of the Tories who survived the war and remained to face the ill-will of their countrymen, a large portion had been disfranchised. Consequently, in the struggle of reorganizing the political institutions of the country, America was compelled to forego the services of many of her wisest, ablest, and most substantial citizens.

The chief obstacle in the way of formulating a strong central government was the political principles held by the people themselves—it was necessary that they reconcile local liberty with central authority and real unity. The struggle for liberty had been based on “natural rights”—on the assertion that the people possessed certain inalienable rights which no government could take away, limit or transfer. Having thrown off the yoke of bad government, the people began to suspicion any government at all, and it became a difficult matter to show the necessity of restraint by a central authority—to prove that the people them-

* McLaughlin, *The Confederation and the Constitution*, pp. 38-39.

selves were the government, the possessors of the final political authority, that "government" was merely the servant of the supreme power—the people, and that to limit or restrain government or to make it weak and ineffective was to limit the people, to weaken national life and to create an anarchistic and individualistic society. There were many who believed in unenlightened individualism, caring nothing for others so long as they themselves were left alone; they could not comprehend that government was an absolutely "necessary evil," if the country was not to retrograde into a state of feudalism or worse. While it is true that State governments had been formed, save for a few changes in methods, the local authority was not so much different from the old colonial administrations. But the people were content to stop with forming these State constitutions and could see no reason to create a still higher power over all the States which could levy taxes and compel obedience—the very conditions against which they had so long fought.

The geographical position of the country both aided and retarded its political development. Its very isolation from the rest of the universe compelled the thought of unity

among its inhabitants and a common destiny. But on the other hand the colonies themselves were not continental, either in social customs, commercial and industrial activities, or political institutions. Owing to the lack of means of communication,—railroads, telegraphs, highways—and means of spreading news, the colonies were very remote from each other. The people of Georgia knew little of New Englanders, and the latter cared less for the former. Mails were very infrequent and oftentimes the people of Europe were acquainted with events in Massachusetts before the people of Georgia learned of them. Such towns as were off the main routes of travel were more isolated than the most secluded towns in the heart of the Rockies at the present time.* But to offset this, the States of the confederation were similar in structure and the people of all sections alike were saturated with the fundamental principles of English liberty and law—they all had the same political inheritance and consequently thought more or less alike. Moreover, it was coming to be seen that a properly established union was a "grinding necessity."

* McLaughlin, *The Confederation and the Constitution*, pp. 44-46.

CHAPTER II.

1783-1787.

COMMERCE; FINANCE; CURRENCY.

Deranged condition of foreign trade — Attempt to negotiate commercial treaty with Great Britain — American vessels excluded from British West Indies — Congress requests power from States to regulate commerce — Commercial treaties with other powers — Condition of the public finances — Morris's estimate of the debt — Congress requests power to lay specific duties — Address of Congress to the States regarding apportionment of debt — The domestic and foreign debt and interest — States assent to impost — Rufus King's report of 1786 — Conflicting State laws — The struggle in New York over the impost — The variety and value of coins — Morris's plan of currency — Jefferson's scheme — The struggle over paper money.

The subject of foreign commerce engaged the attention of Congress soon after the ratification of the definitive treaty of peace. The war had reduced the foreign trade of the country to almost nothing; trade, commerce, and the fisheries were gone. Foreign ports had been closed to American shipping so long that practically no demand existed for American goods. Yet the consumption of English goods was as large as ever, the imports from England to America amounting to £3,700,000 sterling in 1784, while the exports amounted to only £750,000.*

That the country was destitute and poverty stricken because of lack of foreign trade was far from the fact; the refusal to comply with the requisitions of Congress did not indicate that there was no money in the country, but principally that the people in the States were exceedingly jealous of the power of Continental Congress. That general commercial and

industrial conditions would be as flourishing as prior to the war could not be expected. The commerce of New England had necessarily become badly deranged, but even this had its compensations, for numbers of those who were then out of work went into the interior, where they opened up new industries, while still others, particularly those who followed the sea for subsistence, entered privateering enterprises, in which there was at that time a lucrative living. Numbers of the merchants, finding their foreign trade cut off and ruined, equipped their ships as privateers and made fortunes.* But after the war even this source of income was cut off and New England trade became practically stagnant. In addition the whale fisheries were ruined and the cod fisheries in bad condition, and furthermore in 1784 Parliament passed an act (25 Geo. III., c. i.), prohibiting trade with Newfoundland. Prior to the war the

* McMaster, *United States*, vol. i., p. 206.

* Weeden, *Economic and Social History of New England*, vol. ii., pp. 776-778.

New Englanders had sent large quantities of oil to London, had sold their ships to pay the debts of their merchants, and had carried on an extensive and lucrative trade with the West Indies. But now the British government, by orders in council issued at various times, had practically cut off the trade with the West Indies and the importation of oil was prohibited.* In the South, plantation life had been considerably disturbed by the carrying away of thousands of slaves by the British; the ravages of war had brought great distress upon the people, and for the first few years after the war the exports of products from Southern ports diminished in amount and value.† Nevertheless, the unemployed found other duties to perform, though of course the readjustment took some time. The privateersmen returned to their foreign trade and soon a profitable business sprang up. In 1795, 60 American vessels entered the port of Lisbon from America and foreign ports, whereas only 77 European vessels arrived from the same ports, and the volume of trade with the continental countries began to be considerable.

When the American commissioners were at Paris in 1783 negotiating the peace treaty, they had been unable to agree with the British representative regarding a commercial arrangement between the two countries. As

a result, each nation was left to make its own regulations. In March, 1783, William Pitt, then chancellor of the exchequer, introduced in Commons a bill for the temporary regulation of commerce between Great Britain and the United States, which was founded upon very liberal principles.* After stating the new relations between the two countries, this bill declared:

"And, whereas, it is highly expedient, that the intercourse between Great Britain and the said United States should be established on the most enlarged principles of reciprocal benefit to both countries, but from the distance between Great Britain and America, it must be a considerable time before any convention or treaty for establishing and regulating the trade and intercourse between Great Britain and the said United States of America, upon a permanent foundation, can, be concluded: —

"Now for the purpose of making a temporary regulation of the commerce and intercourse between Great Britain and the said United States of America, and in order to evince the disposition of Great Britain, to be on terms of the most perfect amity with the said United States of America, and in confidence of a like friendly disposition on the part of the United States towards Great Britain, be it further enacted that from and after the the ships and vessels of the subjects and citizens of the said United States of America, with the merchandize and goods on board the same, shall be admitted into all the ports of Great Britain, in the same manner as the ships and vessels of the subjects of other independent sovereign states; but the merchandize and goods on board such ships or vessels of the subjects or citizens of the said United States, being of the growth, produce or manufacture of the said United States, shall be liable to the same duties and charges only, as the same merchandizes and goods would be subject to, if they were the property of British subjects, and imported in British built ships or vessels, navigated by British natural born subjects. * * *

"And be it further enacted, that during the time aforesaid, the ships and vessels of the subjects and citizens of the said United States shall

* McLaughlin, *The Confederation and the Constitution*, pp. 73-74.

† See Drayton, *View of South Carolina*, p. 167.

* Curtis, *Constitutional History*, vol. i., p. 190.

be admitted into the ports of his majesty's islands, colonies and plantations in America, with any merchandizes or goods, of the growth, produce or manufactures of the territories of the aforesaid United States, with liberty to export from his said majesty's islands in America, to the said territories or the said United States, any merchandizes or goods whatsoever; and such merchandizes or goods, which shall be so imported into, or exported from, the said British islands, colonies or plantations in America, shall be liable to the same duties and charges only, as the same merchandizes and goods would be subject to, if they were the property of British natural born subjects, and imported, or exported, in British built ships, or vessels, navigated by British seamen.

"And be it further enacted, that during all the time herein before limited, there shall be the same drawbacks, exemptions and bounties on merchandizes and goods exported from Great Britain into the territories of the said United States of America, as are allowed in the case of exportation to the islands, plantations, or colonies, now remaining, or belonging to the crown of Great Britain in America."*

Edmund Burke heartily supported the bill, saying: "While there is an immense extent of unoccupied territory to attract the inhabitants [of the United States] to agriculture, they will not rival us in manufactures.

* * * Do not treat them as aliens. Let all prohibitory acts be repealed, and leave the Americans in every respect as they were before, in point of trade."† The bill, however, was far too liberal to be adopted by the British ministry, which is much to be regretted, as it would undoubtedly have laid the foundation for continuous peace and harmony between the two countries. The navigation interests

opposed the bill as being in the interest of the American marine, and at the expense of the English. The power of regulating commercial intercourse between the two countries was committed to the king and council.* On July 2, 1783, orders in council were issued, whereby American vessels were entirely excluded from the British West Indies,† and furthermore a number of articles, such as beef, pork, fish, etc., were not allowed to be carried to the West Indies, even in British bottoms. This prohibition was continued from time to time until 1788, when Parliament made it permanent.

It now became evident that if the American marine were to be on an equal footing with that of other countries, Congress should possess power to enact navigation acts, or acts countervailing the commercial regulations of other nations. This may easily be inferred from the sentiments expressed by various English statesmen of the period. In debating a proposition to permit American ships to carry to Great Britain nothing but the produce of the particular States of which their owners were citizens, Lord Thurlow said: "I have read an account which stated the government of America to be totally unsettled, and that each province seemed

* See Pitkin, *Civil and Political History of the United States*, vol. ii., pp. 185-188.

† Hansard, *Parliamentary Debates*, vol. xxiii., pp. 613-614.

* Fiske, *Critical Period of American History*, pp. 136-137; John Adams, *Works*, vol. i., p. 422.

† John Adams, *Works*, vol. viii., pp. 97-98; Fiske, p. 138; Bates, *Rhode Island and the Formation of the Union*, p. 100.

intent on establishing a distinct, independent and sovereign state." In his pamphlet *The Commerce of the American States*, Lord Sheffield said: "It will not be an easy matter to bring the American states to act as one nation. They are not to be feared as such by us. * * * The Act of Confederation does not enable Congress to form more than general treaties. * * * When treaties become necessary, they must be made with the states separately." On March 26, 1785, when the American commissioners proposed that a commercial treaty be negotiated, the Duke of Dorset said: "I have been instructed to learn from you what is the real nature of the powers with which you are interested — whether you are merely commissioned by Congress or whether you have received separate powers from the respective states. The apparent determination of the respective states to regulate their own separate interests renders it absolutely necessary towards forming a permanent system of commerce that my court should be informed how far the commissioners can be duly authorized to enter into any engagement with Great Britain which it may not be in the power of any one of the states to render totally fruitless and inefficient."* On April 30, 1784,

therefore, after listening to the report on the subject by a committee composed of Jefferson, Williams, Gerry of Massachusetts, Read of South Carolina, and Chase of Maryland, Congress recommended that the States vest the general government for a period of fifteen years with power to prohibit the importation into or exportation from the United States of any goods in vessels belonging to, or navigated by, the citizens of other countries, with which the United States did not then have commercial treaties. It was recommended also that Congress be vested with power to prohibit, for the same term, the subjects of any foreign nation from importing into the United States any goods or merchandise not the produce or manufacture of the dominions of the sovereign, whose subjects they were, unless such importation were

citizen who loves his country. What, then, are these means? Retaliating regulations of trade only. How are these to be effectuated? Only by harmony in the measures of the States. How is this harmony to be obtained? Only by an acquiescence of all the States in the opinion of a reasonable majority. If Congress, as they are now constituted, cannot be trusted with the power of digesting and enforcing this opinion, let them be otherwise constituted; let their numbers be increased, let them be chosen oftener, and let their period of service be shortened; or if any better medium than Congress can be proposed by which the wills of the States may be concentrated, let it be substituted; or lastly, let no regulation of trade adopted by Congress be in force until it shall have been ratified by a certain proportion of the States. But let us not sacrifice the end to the means; let us not rush on to certain ruin in order to avoid a possible danger."—Letter of August 7, 1785, to Monroe, Madison's *Works* (Congress ed.), vol. i., pp. 170-171.

* Gordy, *Political History of the United States*, vol. i., pp. 39-40. Madison said: "Must we remain passive victims to foreign politics, or shall we exert the lawful means which our independence has put into our hands of extorting redress? The very question would be an affront to every

authorized by treaty.* Congress had declared that it would be impossible to obtain reciprocal advantages from other nations and that the trade of the United States would be entirely in the hands of foreigners, unless the States vested this power in Congress. Nevertheless the States were so suspicious of the powers of Congress that the powers requested were not granted, and some of the States themselves passed laws countervailing the regulation regarding the West India trade by imposing higher duties on British vessels, than on their own or those of other nations, as well as higher duties on goods imported in British bottoms.† Massachusetts, New Hampshire and Rhode Island prohibited the transportation of any goods, wares, or merchandise, grown or produced in the United States, in British ships, and Connecticut took advantage of the situation to make her trade with Great Britain entirely free.‡ These and several of the other acts were soon repealed, because the expected benefits did not accrue to the States enacting these laws. But Connecticut was not satisfied with having warded off the blow which had been aimed at Great Britain by the other New England States,

and then proceeded to tax all goods imported from other States 5 per cent.—which practically amounted to a prohibition of trade. New York also levied duties upon both Connecticut and New Jersey.*

Early in May, 1784, Congress had appointed John Adams, Jefferson and Franklin, commissioners to negotiate treaties of commerce with foreign powers.† John Adams was at that time representing the country at The Hague.‡ Franklin was in France, and in August, 1784, Jefferson arrived at Paris, where he was soon afterward joined by Adams and Franklin. One of their first tasks was to combat the lies incessantly repeated by English travelers and English newspapers about “the tumult, the anarchy, the bankruptcies, and distress of America.|| English

* That this was a heavy burden on Connecticut we learn from a speech by Oliver Ellsworth, January 4, 1788, in the Connecticut ratifying convention, when he said: “Our being tributary to our sister states is a consequence of the want of a federal system. The state of New York raises \$60,000 or \$80,000 a year by impost. Connecticut consumes one-third of the goods upon which this impost is laid, and consequently pays one-third of this sum to New York. If we import by the medium of Massachusetts, she has an impost, and to her we pay a tribute.”—Elliot's *Debates*, vol. ii., p. 189.

† Hale, *Franklin in France*, vol. ii., p. 327 et seq.; John Adams, *Works*, vol. viii., p. 205. The instructions to the ministers will be found in Ford's ed. of *Jefferson's Writings*, vol. iii., pp. 489–493.

‡ John Adams, *Works*, vol. i., pp. 414–415.

|| Jefferson said: “There was an enthusiasm toward us all over Europe at the moment of the peace. The torrent of lies published unremittently in every day's London papers first made an impression and produced a coolness. The

* *Journals of Congress*, vol. iv., p. 392; McMaster, *United States*, vol. i., pp. 207–208; Curtis, *Constitutional History*, vol. i., p. 192.

† Bates, *Rhode Island and the Formation of Union*, p. 103; Fiske, *Critical Period of American History*, pp. 142–144.

‡ Gordy, *Political History of the United States*, vol. i., p. 41.

interests presented American affairs in the worst possible light: American commerce was small and controlled by English merchants; debts were uncollectable; justice was never administered; the States were disunited and the people were in revolt, etc.* Having refuted these stories, the Americans set about the serious part of their business. Congress had declared that it was important to establish treaties with Russia, Spain, Prussia, Austria, Denmark, Portugal, Saxony, Hamburg, the Ottoman Port, the Italian States, etc.,† and several provisions were determined upon, calculated to lessen the distresses and calamities of war, with respect to fishermen, agriculturists, and the like.

On September 10, 1785, a treaty was concluded between the United States and Prussia, which was ratified by Congress, May 17, 1786, and the ratifications exchanged at The Hague, in October. In this treaty it was stipulated that free ships made

absolutely free goods and no goods were to be regarded as contraband so as to justify confiscation, although the vessels carrying contraband goods might be detained until such goods were unloaded; in which case such contraband goods, being military stores, might be used by the captors, if the current price were paid for them. The treaty practically abolished blockades, for merchant and trading vessels were to be allowed to pass free and unmolested. Privateering was abolished between the two countries.* Franklin was greatly pleased with the treaty, and Washington, writing to Rochambeau, said: "The treaty of amity, which has lately taken place between the king of Prussia and the United States, makes a new era in negotiation. It is the most liberal treaty which has ever been entered into between independent powers. It is perfectly original in many of its articles; and, should its principles be considered hereafter, as the basis of connection between nations, it will operate more fully to produce a general pacification, than any measure hitherto attempted among mankind."

The duration of all these treaties was to be limited to ten years, except in particular cases where the limit was set at fifteen years. In negotiating with Spain, the commissioners were instructed not to relinquish, or

replication of these lies in most of the papers of Europe * * * carried them home to the belief of every mind." He said that the wretched state of the American credit abroad was due partly "to their real deficiencies and partly to the lies propagated by the London papers, which are probably paid for by the minister to reconcile the people to the loss of us. No paper, therefore, comes out without a dose of paragraphs against America."—See Morse, *Thomas Jefferson*, pp. 81–82. See also John Adams, *Works*, vol. viii., pp. 148–149, 282.

* McMaster, *United States*, vol. i., pp. 225–227; Morse, *Life of Franklin*, pp. 399–400; Watson, *Life and Times of Thomas Jefferson*, p. 241.

† *Secret Journals of Congress*, vol. iii., pp. 484–489, May 7, 1784; Ford's ed. of *Jefferson's Writings*, vol. i., p. 84.

* Schuyler, *American Diplomacy*, pp. 375–376. For the most important articles, see Snow, *Treaties and Topics in American Diplomacy*, pp. 113–116.

cede, under any circumstances, the right to freely navigate the Mississippi, from its source to the ocean. Adams, Franklin, and Jefferson were authorized to make and receive propositions for such treaties for a term of two years, but before they had accomplished much, another dispute had arisen and great changes had taken place, John Jay having returned to the United States to become Secretary of Foreign Affairs; Jefferson having been appointed Minister to France in place of Franklin, who desired and received permission to return home; and John Adams having been sent as ambassador to England.*

One of the most troublesome of the problems with which Congress had to contend was the finances. The total cost of the war in round figures, according to Jefferson's estimate, was \$140,000,000, but of this a large amount had been paid off, so that not more than \$42,000,000 of the domestic debt remained, and, by reducing the army, the annual expenses had been curtailed to about \$460,000.†

Early in 1783, Morris had threatened to resign because of the invective that was hurled at him, as though he were responsible for the condition of the finances. In a letter to Congress, he said: "To increase our debts while the prospect of paying

them diminishes, does not consist with my ideas of integrity. I must therefore quit a situation which becomes utterly unsupportable. * * * I should be unworthy of the confidence reposed in me by my fellow citizens if I did not explicitly declare that I will never be the minister of injustice."‡ But he finally consented to remain in his position and continued in office until November of the following year.† At this time Morris estimated the public debt, exclusive of continental paper money or arrearages in army pay and other unliquidated debts, at over \$35,327,000.‡ The States did not respond to the urgent calls sent out by Morris, and he issued another strong appeal to the governors of the States; but up to June 13 the deficiencies amounted to more than \$1,000,000, and there was also overdue interest on the debt amounting to \$3,000,000. It was estimated that during 1784 Congress would need about \$5,500,000 to settle its accounts. "How indeed," Morris asks, "would it be otherwise when all the taxes brought into the treasury since 1781 did not amount to seven hundred and fifty thousand dollars."|| During 1782 Congress had sent out requisitions for \$8,000,000, and in 1783 asked for \$2,000,000 more, but

* Morse, *Life of Franklin*, p. 391 *et seq.*; Hale, *Franklin in France*, vol. ii., p. 334 *et seq.*; Parton, *Life of Thomas Jefferson*, p. 283.

† McMaster, *United States*, vol. i., p. 139.

* Wharton, *Diplomatic Correspondence of the Revolution*, vol. vi., p. 229.

† Sumner, *Financier and Finances of the Revolution*, vol. ii., p. 95 *et seq.*

‡ Wharton, *Diplomatic Correspondence of the Revolution*, vol. vi., p. 282.

|| *Ibid.*, p. 611.

by the end of 1783 less than \$1,500,000 had been remitted by the States. A committee of Congress reported that this was due principally to the poverty and distress of the people,* but Morris says: "The people are undoubtedly able to pay, but they have easily persuaded themselves into a conviction of their own inability, and in a government like ours the belief creates the thing."† In 1782 he had also made a remark which was true of subsequent years; said he: "The necessity of the present application for money arises from the necessity of drawing by degrees the bands of authority together, establishing the power of Government over a people impatient of control, and confirming the Federal Union of the several States by correcting defects in the General Constitution."‡

In order to provide for the public expenses, Congress had early declared it to be "indispensably necessary" that power to levy duties and impose direct taxation be lodged in that body. Under the Articles of Confederation, no such power was vested in Congress, for they could only "ascertain the sums necessary to be raised for the service of the United States" and issue requisitions on the States, which were complied with or disregarded according

to the sovereign will of the States. If the States did comply, it was in their own time and at their own convenience.* So long as Congress had any credit, bills of credit had been issued, and the same applied to the States. Congress had borrowed money abroad when it became impossible to raise a dollar at home; and when the States refused to advance the money needed, it had become necessary to resort to new loans in order to pay the interest on those which had preceded. Therefore, on April 18, 1783, after a lengthy debate, Congress passed a resolution saying that it was "indispensably necessary to the restoration of public credit, and to the punctual discharge of the public debts," that Congress be vested with power to levy certain specified duties on coffee, tea, cocoa, sugar, molasses, spirits, wines and pepper, and a duty of 5 per cent. *ad valorem* on all other goods which should be imported.† The revenues thus derived were to be devoted to

* Story, *Commentaries on the Constitution*, vol. i., pp. 179-180.

† See also John Adams, *Works*, vol. viii., pp. 242-246. The tax on Madeira was to be twelve ninetieths of a dollar; on other wines, six ninetieths; on Jamaica rum, four ninetieths; on Bohea tea, six ninetieths; and on other brands, twenty-four ninetieths; on brown sugar, one ninetieth; loaf-sugar, two ninetieths; all other sugars as well as molasses and coffee, one ninetieth per gallon or pound. It was estimated that the imports amounted to 100,000 gallons of Madeira, about 2,000,000 gallons of Jamaica rum, 300,000 pounds of Bohea tea, 25,000 pounds of other teas, 200,000 pounds of coffee, and 2,000,000 gallons of molasses. McMaster, *United States*, vol. i., pp. 142-143.

* The report of April 5, 1784, in *Journals of Congress*.

† See his letter to Franklin, in Wharton, *Diplomatic Correspondence*, vol. v., p. 774.

‡ *Ibid.*

the payment of the interest and principal of the public debt solely, and term of the act was limited to twenty-five years. The collectors of the revenues were to be appointed by the States, subject to removal by Congress.* In addition the various States were requested to enact laws covering the same period of time and for the same object, so as to derive sufficient revenues to supply their proportion of \$1,500,000 annually, exclusive of duties on imports, the proportion due from each State being fixed in accordance with the Articles of Confederation.†

Up to this time the expenses of the government had never been apportioned among the States, in accordance with the rule prescribed by the Confederation. As yet no satisfactory valuation of houses and lands had been made as the difficulties of securing the necessary information seemed almost insuperable. Previously the proportions had been regulated according to the supposed num-

ber of inhabitants in each State. To remedy these conditions, Congress now proposed that the Articles be altered so that the proportions would be more equitable. The proposition of Congress was that the proportion should be governed by the number of white and other free citizens, including those bound to servitude for a term of years, and three-fifths of all other persons. In order to secure the consent of the States to this change, Congress presented an address to the various legislatures, which had been prepared by Madison, Hamilton and Ellsworth.* The object of this revenue system was to give justice to all the creditors of the United States. It was a wise and judicious movement, but the scheme was never adopted, although, as Mr. Curtis points out,† it had a remarkable effect in saving the Union from speedy dissolution, and in directing the attention of the States to the fact that a powerful central government was a great desideratum.

While this revenue system was under consideration, Congress was still struggling with the finances. About the only thing that could be done was to issue requisitions upon the States, but these continued to be evaded, From November 1, 1781, to January 1, 1786, the requisitions for the payment of interest on the domestic debt had amounted to \$10,000,000, yet,

* Curtis, *Constitutional History*, vol. i., p. 118.

† *Journals of Congress*, Feb. 12, 1783, p. 126; March 20, pp. 154, 157, 158, 160; April 18, pp. 185-189; Marshall, *Life of Washington*, vol. v., pp. 35-36; Pitkin, *Civil and Political History*, vol. ii., pp. 180-181; Hunt, *Life of Madison*, pp. 38-43. This sum of \$1,500,000 was apportioned among the States as follows:—New Hampshire, \$52,708; Massachusetts, \$224,427; Rhode Island, \$32,318; Connecticut, \$132,091; New York, \$128,242; New Jersey, \$83,358; Pennsylvania, \$205,189; Delaware, \$22,443; Maryland, \$141,517; Virginia, \$256,487; North Carolina, \$109,006; South Carolina, \$96,183; Georgia, \$16,030. For the opposition of Rhode Island to this measure, see Bates, *Rhode Island and the Formation of the Union*, p. 90 et seq.

* Curtis, *Constitutional History*, vol. i., p. 142 et seq.

† *Constitutional History*, vol. i., pp. 124-126.

according to the reports of the Treasury Board, less than \$2,500,000 (to be exact \$2,457,987.25) came into the Treasury.* For the last fourteen months of this period, the income was only \$432,897.81, thus making an average of less than \$375,000 per year, which the board declared short of the sum necessary "for the bare maintenance of the federal government on the most economical establishment and in time of profound peace."† From this state of affairs it was evident that the interest of the domestic debt could not be paid, and the money obtained in Europe was devoted entirely to the payment of interest on foreign loans. Consequently, the domestic debt was deemed of so little value that many people who had claims against the government sold them for about one-tenth of their nominal value.

At the beginning of 1783 the domestic debt of the country was \$34,115,290, and the foreign debt \$7,885,085, making a total of \$42,000,375, on which the annual interest was \$2,415,956.‡ Of the foreign debt \$7,037,-

037 was due in France; \$671,000 in Holland and \$150,000 in Spain; while a year's interest had not been paid on the Dutch loan of 10,000,000 livres, amounting to \$26,848. The first installment of the principal became due in 1787, and from that year \$1,000,000 was due annually until the debt was extinguished. In 1784 the arrears of interest on the domestic debt amounted to \$3,109,000, but by 1789 these had increased to \$11,493,858, while the principal alone of the foreign debt rose from less than \$8,000,000 to \$10,098,707 in the same time.* It was therefore determined to devise means for meeting the obligations. That part of the plan which stipulated that the States should raise internal revenues for a period of twenty-five years met with much opposition;† and, becoming satisfied that it would be impossible to secure a general compliance with this part of the financial system, Congress confined their requests for power to lay duties on imports, to which some of the States finally yielded a reluctant consent. Delaware gave her consent provided all the other States consented; North Carolina readily as-

* McMaster, *United States*, vol. i., pp. 356-357.

† See the Report of the Committee in *Journals of Congress*, February 15, 1786, vol. xi., pp. 34-40. See also Curtis, *Constitutional History*, vol. i., p. 164; J. P. Gordy, *Political History of the United States*, vol. i., p. 35.

‡ Curtis, *Constitutional History*, vol. i., p. 115; McMaster, *United States*, vol. i., p. 356. McMaster's dates and figures are evidently wrong. He says the debt in 1786 was \$42,000,325, of which \$7,885,035 was owed abroad, but he gives the interest the same. Curtis' figures of the foreign debt do not bring the total as given by him. The figures as given by the Committee under date of

April 8, 1783, bring the total domestic debt to \$26,615,290. See Hunt's ed. of Madison's *Writings*, vol. i., p. 443.

* Charles J. Bullock, *Finances of the United States, 1775-1789, with Especial Reference to the Budget*, pp. 145, note, 181 (in *University of Wisconsin Bulletins in Economics, Political Science and History*, series i., no. 2).

† For some of the arguments for and against it see McMaster, vol. i., pp. 145-147, 266-267; Bancroft, vol. iv., pp. 185-193.

sented to all the requests of Congress; Massachusetts granted the general impost, but withheld the supplementary funds, as did New Hampshire, Connecticut, New Jersey, Virginia, South Carolina, and Pennsylvania, but the last named stipulated that she would collect these moneys as the legislature saw fit. New York, Rhode Island, Maryland, and Georgia at first refused to sanction the proposed revenue system, as they were unwilling that the national treasury should receive the sums collected at New York, Providence, Baltimore and Savannah, to the exclusion of the State treasuries.*

Congress therefore appointed a committee to examine into the state of the finances and report on the best method by which the debt might be discharged. The report of this committee recommended the impost as the most feasible plan and earnestly advised those States which had not already consented to yield at once. A new committee of five was appointed to consider the matter, and the report of this committee was presented by Rufus King, February 15, 1786. In this report King said that the system of imposts was the best system of collecting revenue that Congress could devise and that the States should adopt it at once. He further

said that "the requisitions of Congress for eight years past have been so irregular in their operations, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future, as a source from whence moneys are to be drawn to discharge the engagements of the Confederacy, definite as they are in time and amount, *would be no less dishonorable to the understandings of those who entertained such confidence, than it would be dangerous to the welfare and peace of the Union.* The Committee are therefore seriously impressed with the indispensable obligation that Congress are under, of representing to the immediate and impartial consideration of the several states the utter impossibility of maintaining and preserving the faith of the federal government, by temporary requisitions on the states, and the consequent necessity of an early and complete accession of all the states to the revenue system of the 18th of April, 1783." The Committee said also: "It has become the duty of Congress to declare most explicitly, that the crisis has arrived, when the people of these United States, by whose will and for whose benefit the federal government was instituted, must decide whether they will support their rank as a nation, by maintaining the public faith at home and abroad; or whether, for want of a timely exertion in establishing a general revenue and thereby giving strength to the confederacy,

* McMaster, *United States*, vol. i., p. 357; Bates, *Rhode Island and the Formation of the Union*, pp. 96-99; McLaughlin, *The Confederation and the Constitution*, p. 80; Curtis, *Constitutional History*, vol. i., p. 194.

they will hazard not only the existence of the Union, but of those great and invaluable privileges for which they have so arduously and so honorably contended."* This report was adopted and a set of resolutions drawn up and passed.

The House then turned its attention to the regulation of trade, and a committee was appointed to examine the acts of the various States. This committee reported that the acts were confusing and conflicting and clogged with many restrictive conditions.† North Carolina, while assenting to all the requests of Congress, had made a condition that, when the other twelve States did likewise, the regulation of trade by Congress should become an article of the Confederation. Connecticut, Pennsylvania, and Maryland set a date when the act was to become effective; Rhode Island restricted the duration of the act to twenty-five years; Massachusetts, New York, New Jersey, and Virginia would not consent to have the act go into operation within their borders until it had been adopted by all. Delaware, South Carolina, and Georgia had not given the request any consideration; and New Hampshire determined the manner in which the

act should be enforced, granting the power to regulate trade by restrictions on duties.* Congress therefore asked the States to make the various laws uniform.†

New Jersey now became disgruntled and refused to pay her share of the requisition of \$3,000,000 made in September, 1785, claiming that the levy was unjust and that the Confederation was not protecting her from the encroachments and the ill-usage of New York. As New Jersey's share of the requisition was \$166,716, Congress could not afford to lose it; for even if the sum were paid, there would still be a deficit. So a committee, of which Nathaniel Gorham, William Grayson and Charles Pinckney were members, was sent by Congress to expostulate with the Legislature of New Jersey, Pinckney making the principal speech. As a result of the visit, New Jersey rescinded her acts refusing to pay her quota, but she instituted no measures to provide funds to meet the requisitions, nor was such action taken until five months later.‡

Meanwhile New York had granted the impost. This was due principally to the efforts of Alexander Hamilton. He drew up a petition to the Legislature declaring that all the motives of public honor and reputation demanded that New York act favor-

* *Journals of Congress*, vol. xi., pp. 34-40.

† As Madison said: "The States are every day giving proofs that separate regulations are more likely to set them by the ears than to attain the common object."—Hunt's ed. of *Madison's Writings*, vol. ii., p. 227. See also Story, *Commentaries on the Constitution*, vol. i., pp. 184-185 (5th ed.).

* McMaster, *United States*, vol. i., p. 361; Bates, *Rhode Island and the Formation of the Union*, pp. 104-105.

† *Journals of Congress*, vol. xi., p. 41.

‡ McMaster, *United States*, vol. i., pp. 362-366.

ably.* He induced large numbers to sign the petition; wrote pamphlets in favor of the impost; and advocated it in the press. Governor George Clinton, however, had used all his influence and ability to make New York the richest and the most powerful State in the country; and, considering that the impost would drag the State down to the level of the others, he labored mightily to have the Legislature refuse assent to the act. But on May 4, 1786, after much debate, the Legislature passed the act, though a clause was inserted which made the grant of the impost practically useless; for, instead of vesting Congress with the power of levying the duties, this right was reserved to the State itself. The Legislature also made a condition that the collectors of the duty should be appointed by the State and should not be amenable to Congress.† Thereupon, when considering this matter in August, Congress determined to have the State amend the act, and, as the Legislature had adjourned, sent a request to Clinton to call a special session. On August 16 Clinton replied that, according to the Constitution of New York, he could convene the Legislature only on "extraordinary occasions"; and as the present business had often been before the Assembly during the late session, he did not consider that

an "extraordinary occasion" existed. Later, in August, Congress sent him a second and more earnest application to reconvene the Legislature, but he made the same reply.* In the early part of 1787 the matter was again taken up by the Legislature, but on February 15, despite the endeavors of Hamilton to secure its passage, the measure was thrown out by a vote of 36 to 21.†

There had been much discussion also in connection with the founding of a system of national coinage. As previously stated, coins of the same denomination were differently valued in the various colonies and there was also a large variety of coins, which, except coppers, were the product of foreign mints, including English guineas, crowns, shillings, and pence, and many French and Spanish and some German coins. Of the Spanish coins, probably the most valuable in general circulation, was the Johannes, called the "Joe," valued at about \$16; next came the doubloon at \$15; then the half-joe at \$8; the double Spanish pistole at \$7½, and the pistole at half that value. Other gold coins were the moidore at \$6; the English guinea and half-guinea, the French guinea, the Carolin, the five and two and one-half moidore, the double Johannes, the Chequin, the quarter and eighth Johannes, and the French pistole. The silver coins

* Hamilton's ed. of *Hamilton's Works*, vol. ii., pp. 333-334.

† McMaster, *United States*, vol. i., pp. 368-370.

* Bancroft, vol. vi., pp. 193-194; McMaster, p. 370.

† McMaster, p. 398.

included the Spanish milled dollar, the half, quarter, eighth and sixteenth dollars, the English crown, the French crown, the English shilling; the sixpence and the Pistareen. The

coppers were pennies and French sous.* Each of these coins was of a different value according to locality, the values being given by McMaster† as follows:

COIN	Sterling money	New England and Virginia	New York and North Carolina	New Jersey, Pennsylvania, Delaware and Maryland	South Carolina and Georgia
GOLD	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Johannes.....	3 12 0	4 16 0	6 8 0	6 0 0	4 0 0
Half-Johannes.....	1 16 0	2 8 0	3 4 0	3 0 0	2 0 0
Doubloon.....	3 6 0	4 8 0	5 16 0	5 12 6	3 10 0
Moidore.....	1 7 0	1 16 0	2 8 0	2 5 0	1 8 0
English guinea.....	1 1 0	1 8 0	1 17 0	1 15 0	1 1 9
French guinea.....	1 1 0	1 7 6	1 16 0	1 14 6	1 1 5
Spanish pistole.....	0 16 6	1 2 0	1 9 0	1 8 0	0 18 0
French pistole.....	0 16 0	1 2 0	1 8 0	1 7 6	0 17 6
SILVER					
Crown.....	0 5 0	0 6 8	0 8 9	0 8 3	0 5 0
Dollar.....	0 4 6	0 6 0	0 8 0	0 7 6	0 4 8
Shilling.....	0 1 0	0 1 4	0 1 9	0 1 8	0 1 0
Sixpence.....	0 0 6	0 0 8	0 0 10½	0 0 10	0 0 6
Pistareen.....	0 0 10½	0 1 2	0 1 7	0 1 6	0 0 11

Thus it will be seen that a man traveling from Boston to Charleston would pay a bill at Boston with a silver dollar valued at 6 shillings, in New York at 8 shillings, in Philadelphia at 7s. 6d., and in Charleston at 4s. 8d. That something should be done speedily to rectify this was readily apparent, and the subject was debated in Congress. On January 7, 1782, a resolution was passed instructing Robert Morris to submit a statement of the valuation at which the Treasury Department would accept foreign coins. Morris submitted the report, including also a plan for the creation of a national

currency drawn up by Gouverneur Morris.‡ Nothing came of this report in 1782, and the same was the case when the money question was taken up in 1783, being again laid aside for a year.

Morris' plan of currency was to have the new coins as nearly as possible like those in use, so as not to confuse tradespeople, to have the unit of value small, and to have the money increase in decimal ratio. For coinage purposes, he would have 10

* McMaster, vol. i., pp. 190-191.

† United States, vol. i., p. 191.

‡ McMaster, *United States*, vol. i., p. 195; Sparks, *Gouverneur Morris*, vol. i., p. 273 et seq.

quarters: a quarter was to be the unit, and 10 of them should make a penny (10 units); 10 pence a bill (100 units); 10 bills a dollar (1,000 units); 10 dollars a crown (10,000 units) (American, not English).^{*} When the matter was again taken up by Congress, it was referred to a committee of which Jefferson was a member.[†] Jefferson said Morris' scheme was sound, but needed modifications in a few particulars. He took the dollar as the unit and suggested that eight coins be struck; a \$10 gold piece equal to 10 silver dollars; the silver dollar or unit; the silver half-dollar; the silver double-tenth; the silver five copper piece; and the copper or one-hundredth part of a dollar.[‡] This scheme was favorably reported to Congress, but again the matter was dropped for a year, and it was not until July 6, 1785, that Congress reached a definite decision, at that time adopting the dollar as the unit and making the smallest coin a half-penny or two-hundredth part of a dollar. Thus Morris' plan, as revised and amended by Jefferson, became the basis for our national currency.

But there were many people who were not satisfied with a coin currency exclusively and must needs have pa-

per as a medium of exchange. Coin had become scarce and it was not difficult for the paper-money party to gain converts, the legislatures of several of the States soon counting a majority of their members as paper-money advocates.^{*} As soon as they secured power, bills were introduced for the issue of paper and hurried through with all possible speed, and only in a few cases was the opposition able to muster sufficient strength to combat these bills. In Maryland the struggle was bitter and protracted. The House of Deputies elected in 1786 was composed almost exclusively of paper-money men, but the Senate still had a majority of members favorable to hard money. The House passed a bill for the issue of credit bills, but the Senate threw it out, and no conclusion was reached. The subject of paper money then became an issue in the fall election of 1787.[†]

In Pennsylvania there was scarcely any opposition worthy to be so called, the only vigorous attack on the paper

^{*} In 1787 a letter was published in the *New Haven Gazette* advising what persons should be chosen for Assemblymen: "Choose * * * men of simplicity, not men of shrewdness and learning; choose men that are somewhat in debt themselves, that they may not be too strenuous in having laws made or executed for collection of debts; nothing puts a poor, honest man so much out of ready money as being sued, and sheriffs after him. Choose such men as will make a bank of paper money, big enough to pay all our debts, which will sink itself (that will be so much clear gain to the state)."—See Libby, *Geographical Distribution of the Vote of the Thirteen States on the Federal Constitution*, p. 58.

[†] McMaster, *United States*, vol. i., pp. 283-284.

^{*} Roosevelt, *Gouverneur Morris*, pp. 106-107.
[†] Ford's ed. of *Jefferson's Writings*, vol. iii., pp. 446-457.

[‡] McMaster, *United States*, vol. i., pp. 197-198. See also Watson, *Life and Times of Thomas Jefferson*, pp. 238-239; Roosevelt, *Gouverneur Morris*, pp. 107-108; Ford's ed. of *Jefferson's Writings*, vol. i., p. 73 et seq.

money being made by Pelatiah Webster, who issued several tracts against it, the last being published in January, 1785. But his arguments were of no avail, and the House ordered an emission of bills of credit, by May 10, 1785, bills to the amount of £7,000 having been signed with the promise that £10,000 would come out weekly. The actual emission was small, however, and though it was not made legal tender, it went into circulation by way of payments to public creditors and loans to farmers on their lands. Before August, 1786, the depreciation had reached 12 per cent.*

In North Carolina the amount issued was large and was made legal tender; but as the ordinary channels for putting the paper into circulation (paying creditors and making loans on property) were considered too sluggish, the State began to purchase tobacco, ordering its agents to pay twice as much for it in paper as the planters would ordinarily be paid in specie. Consequently, as paper was legal tender and receivable for debts, every debtor who possessed or could secure tobacco sold it to the State agent, received double specie value in paper, and then cancelled his debt which had been contracted in specie by paying his creditor paper shillings and dollars which the State had declared as good as coin. As a result, the paper began to depreciate

in value until it had reached a discount of 30 per cent.*

In South Carolina the merchants favoring paper endeavored in every way to support the credit of the new medium and denied that there was any depreciation in its value. A meeting of planters was held at Charleston at which all agreed to take paper on a par with gold and silver and pledged themselves not to buy merchandise on which an abatement was offered if payment were made in coin. At this time also an organization was formed at Charleston, called the Hint Club, the members of which singled out and watched those who favored hard money and, if their conduct were prejudicial to the cause of paper, sent them a hint that it would be well to desist, following this with forcible measures if the hint failed to produce results.†

In Georgia the opposition to paper was strong, and measures equally strong and unjust were taken to enforce its circulation. The Legislature had made paper legal tender, but before the money was actually issued a convention of mechanics, assembled at Savannah in September, 1786, protested against it, saying that they could not take the issue at par but only at so much as they could sell it for in coin. The merchants determined to support it and force it upon the community, and they

* *Ibid.* vol. i., pp. 284-285.

* *Ibid.* vol. i., pp. 285-286.

† *Ibid.* vol. i., pp. 286-287.

therefore caused a bill to be rushed through the Legislature by the terms of which the rice planters could not ship a single sack of rice out of Georgia unless they would take paper in payment, it being further stipulated that no produce could be exported out of the State, unless accompanied by a sworn statement, signed by the planter and merchant, to the effect that neither had refused to accept paper money at the face value.*

In Virginia there was little trouble as the people did not especially care for a paper currency, and when a bill to make paper legal tender came before the House of Delegates in November, 1786, it was defeated by a vote of 85 to 17.† This was chiefly due to James Madison. The cheap-money faction in Virginia was strong and persistent, but the conservative element under the leadership of Madison finally succeeded in bringing the people to their way of thinking.‡ He declared the issuance of paper money pernicious, destructive, and discouraging to commerce, morals and government, and disgraceful to mankind. He induced the Virginia House to pass a resolution that an emission of paper money would be "unjust, impolitic, destructive of public and private confidence and of that virtue which is the basis of

Republican Government."* Madison finally consented to a plan allowing the taxes for the year to be paid in "inspectors' receipts or notes for good merchantable crop tobacco," † because he feared that "some greater evil under the name of relief to the people would be substituted." ‡

New York was split in twain on the issue. One party consisted of the importers, the creditors, the holders of stock, and the moneyed men who favored specie, while the paper party consisted of the shopkeepers in the large cities, the country merchants, the manufacturers and the debtors. The paper advocates introduced a bill in the Legislature and a newspaper and pamphlet war followed. One of the most widely read pamphlets was Paine's *Dissertations on Government; the Affairs of the Bank, and Paper Money*, in which the author of *Common Sense* displayed much argumentative ability. He said that money was money and paper was paper, and all man's inventions could not change either; gold and silver were the products of nature, while paper was the emission of art;

* Hunt's ed. of Madison's *Writings*, vol. ii., pp. 277-281. See also his letters in Madison's *Works* (Congress ed.), vol. i., pp. 239, 243-245, 253, 255-257.

† Hening, *Statutes-at-Large of Virginia*, vol. xii., p. 258.

‡ Letter to Washington, December 24, 1786, Hunt's ed. of Madison's *Writings*, vol. ii., p. 301; Madison's *Works* (Congress ed.), vol. i., pp. 256, 261, 264, 267. On the Virginia controversy see also W. Z. Ripley, *Financial History of Virginia, 1609-1776*, in *Columbia College Studies*, series iv., no. i.; Gay, *Life of Madison*, p. 70.

* *Ibid.*, vol. i., pp. 288-289.

† *Ibid.*, vol. i., pp. 289-290; Madison's *Works*, vol. i., pp. 253, 260.

‡ McLaughlin, *The Confederation and the Constitution*, p. 144 et seq.

gold and silver were valuable of themselves as metals and had all the requisites of money, while paper had none, and its only use for money purposes was as notes or promises to pay in coin; and that it was absurd to think that the simple act of a legislature expiring in a year could give paper the value and durability of gold, for if one legislature made paper a legal tender for taxes, the next legislature might refuse to accept it and thus render it valueless, while the value of gold was always there, no matter what the legislature might do. The Chamber of Commerce also protested against the enactment of the law, but petitions, protests, and pamphlets were useless as the paper advocates stood firm and a bill was passed, an emission to the amount of £200,000 York money being put out. The money did not, however, take as readily as had been expected.*

In the meantime New Jersey had issued £130,000 in paper, which was made legal tender at 7s. 6d. per dollar. As much of the trade of the inhabitants of that State was carried on at Philadelphia and New York, the paper money was offered in those cities in payment of debts, but it was refused as legal tender and soon the money began to depreciate.†

The most stubborn contests were

witnessed in the New England States, particularly Rhode Island. The favorite scheme for paying debts was the establishment of a bank of paper money. In January, 1785, an attempt was made to pass a bill in the Legislature for the establishment of such a bank, but the advocates of the scheme were not sufficiently strong to obtain the necessary votes.* In the spring elections of 1786, however, they succeeded in electing enough members to the Legislature to ensure success,† and when that body met in May the call for the land tax was remitted, the excise law suspended, and a paper bank of £100,000 ordered.‡ The paper money immediately began to depreciate, tradespeople took a heavy discount from the face value when bills were paid, and therefore the paper men rushed a forcing act through the Legislature by the terms of which those who declined to accept the paper at face value the same as gold would be fined £100 for the first offense and for the second offense would be fined the same amount and lose the rights of a freeman.‖ But rather than submit the merchants refused to make any sales, closed their shops, and for a

* Bates, *Rhode Island and the Formation of the Union*, pp. 118-122.

† *Ibid*, p. 123.

‡ *Acts and Resolves of the General Assembly [MS] 1786-1787*, May 3, 1786; Bates, pp. 123-124.

‖ Bates, pp. 125-126; Arnold, *History of Rhode Island*, vol. ii., p. 521.

* McMaster, *United States*, vol. i., pp. 290-293.

† Fiske, *Critical Period of American History*, pp. 170-171; McMaster, *United States*, vol. i., pp. 293-294.

time business was at an end,* Providence and Newport indeed presenting a doleful appearance. The farmers thereupon retaliated by refusing to sell anything to the merchants or shopkeepers, hoping to starve the city people into submission;† street fights became daily occurrences; and finally food became so scarce in the large towns that prices soared and great distress followed.‡ The farmers persuaded the Legislature to pass a new forcing act,|| whereupon the merchants determined to test the legality of the acts in court. The case was *Trevett vs. Weedon*. Both sides were represented by eminent legal talent, and the debate was warm and conducted with great animosity. The court decided that the odious act was unconstitutional§ but the paper men called a special session of the Legislature, which, after sharply reprimanding the

judges,* took under consideration an iron-clad Test Oath as a means of enforcing their mandates regarding money. This consisted of an oath to support the paper bank and to take the paper money at par, and a long list of penalties was provided for those who declined to subscribe to the oath. Until they had taken the oath, declaring paper to be as good as gold, ship captains could neither leave nor enter port, lawyers could not practice, men could not vote, members of the Legislature could not take their seats, nor politicians run for office. But when this proposition was placed before the people even some of the advocates of paper rebelled and everywhere the oath was denounced in strong terms. Only three towns — North Kingston, Scituate and Foster — approved the measure, and in November the Test Oath was thrown out by an overwhelming majority.† At the same time four of the judges were dismissed, the forcing acts were repealed, and paper went down to about six for one.‡

In New Hampshire the paper money issue followed practically the same course. Petitions were sent to the Legislature requesting an emission of paper money, but it was pointed out that the State had no specie funds with which to back the paper and secure it from depreciation, and paper currency unsecured

* Bates, p. 127; Fiske, *Critical Period of American History*, pp. 172-175.

† Bates, p. 127; Fiske, p. 175.

‡ McMaster, *United States*, vol. i., pp. 333-335.

|| *Acts and Resolves of the General Assembly [MS] 1786-1787*, 59, August 25, 1786. One clause of the act provided that, if a creditor should refuse to take payment of debts in paper at par, the debtor might carry his rag money to court and deposit it with the judge, who must thereupon issue a certificate discharging the debt. The form of these certificates began with the words "Know Ye," and from that time the State was called Rogue's Island, the home of Know Ye men and Know Ye measures. Fiske, p. 177.

§ Bates, pp. 131-134; Brinton Coxe, *An Essay on Judicial Power and Unconstitutional Legislation*, pp. 234-248. See also James B. Thayer, *Cases on Constitutional Law*, vol. i., pp. 73-78; James M. Varnum, *The Case, Trevett against Weedon* (1787).

* Bates, pp. 134-138.

† Bates, pp. 139-141.

‡ McMaster, *United States*, vol. i., pp. 339-340.

by coin was not worth printing. The legislators therefore urged the people to build up manufactures and encourage agricultural pursuits. But the people ignored this advice and demanded a tender law, which was passed, securing the paper money with real or personal estate, and making it a legal tender for all debts. The debtors now began to avoid payment of debts and the creditors sought to levy on property, but the debtors evaded this by transferring the property, and as a result the courts became clogged with suits. The people then cried out against the courts, saying that there were too many judges, lawyers, etc.* Soon acts of violence became common, culminating in September in the attempt of an armed mob of 100 men to coerce the General Court (or Legislature) into enacting a law in accordance with its desires. Upon the General Court's refusal, its members were held prisoners until relieved by the State troops, when over 40 of the malcontents were placed under arrest. The Legislature then proposed a plan for an issue of paper and sent it to the towns for ratification, but it was defeated. It was next decided that the Legislature had no power to make paper legal tender for debts contracted prior to the passage of the act and also that no good plan

had yet been proposed as a proper basis for a paper currency.*

Conditions in Vermont were in a chaotic state. She was not as yet a member of the Union, and indeed had no well defined limits or stable government. During the war, the inhabitants of the southern counties of the territory known as the New Hampshire Grants had seceded from New Hampshire, chosen an Assembly, elected a governor, and formed a State which they called "New Connecticut, alias Vermont."† New Hampshire shortly afterward acknowledged her independence, but her peace was soon disturbed by the claims of New Yorkers who had settled in the territory, built villages and towns, and paid taxes to New York. The latter State determined to protect the communities thus settled by the "Yorkers," and the following seven years showed a shameful record of barbarous warfare that would overshadow the famous Indian atrocities. In 1784, however, New York abandoned her claims and the Vermonters were left to govern their State as they saw fit. But the inhabitants were impoverished and discontented, and in the summer of 1786 broke out into open rebellion. The Legislature then attempted to correct matters by passing a Specific Tender Act, by which creditors were

* Belknap, *History of New Hampshire*, vol. ii., p. 457 et seq.

* McMaster, *United States*, vol. i., pp. 341-347; Bell, *History of Exeter*, p. 96 et seq.; Hamilton, *History of the Republic*, vol. iii., p. 156.

† Hall, *History of Eastern Vermont*, vol. i., p. 253; Slade, *Vermont State Papers*, pp. 68-73.

forced to take in payment of debts such articles of personal property as the debtor agreed to give, but as most of the debtors were destitute of personal property the measure afforded little relief. Judge Nathaniel Chipman then drew up a set of resolutions, which the Legislature passed, providing that the freemen of each town should meet on the first Tuesday in January, 1787, and vote on the two propositions: whether paper money should be issued and whether the Tender Act should be continued. While this bill for relief was under debate the Court of Common Pleas at Windsor was attacked, but the mob was dispersed by the sheriff; the Superior Court was then broken up; and even after the bill was passed the County Court was assaulted at Rutland. At the latter place an armed multitude surrounded the courthouse and ordered the judges to adjourn *sine die*, but they refused and for two hours were kept prisoners in the courthouse by the mob. The mob soon grew tired of guarding the judges and allowed them to depart, sending a committee to wait upon them and present their demands, but early the next morning the militia was assembled and after a little bloodshed the mob was dispersed.*

There was much trouble over the

* Caverly, *History of Pittsford*, pp. 252-258; Hall, *History of Eastern Vermont*; McMaster, *United States*, vol. i., pp. 347-355; Hollister, *History of Pawlet*.

coins then in use, particularly in New York, Rhode Island, and New Jersey, where there were a large number of counterfeits. So many base pennies and half-pennies had been circulated in Rhode Island that it was found necessary to pass an act imposing a fine of six shillings for every spurious coin taken. On March 3, 1787, a committee of the New York Assembly rendered an elaborate report showing conditions of coin circulation in that State and estimating the loss suffered. In January, 1786, the New Jersey Legislature had passed an act providing that fifteen coppers should constitute a shilling, but later from twenty to thirty were demanded.* For correcting these evils Congress had had several measures under consideration. In the summer of 1785 (July 6) two copper coins — a penny at 100 to the dollar and a half-penny at 200 to the dollar — had been ordered struck, but none had been put into circulation. On August 6, 1786, a national currency act was passed, which adopted the decimal system and provided that eight coins should be made with the mill as the lowest money of account. The copper coins were to be cents and half-cents; the silver coins dimes, double dimes, half-dollars and dollars; and the gold coins eagles and half-eagles. The dollar was to contain 375 grains of pure silver and the eagle a fraction over 246¼ grains of gold. This

* McMaster, *United States*, vol. i., pp. 400-403.

did not remedy the evil, however, and on October 16, 1786, an act was passed providing that foreign coppers should cease to pass current in the United States after September 1, 1787. But this did not have the de-

sired effect; foreign coins still continued to be circulated, and it was not until after the act creating the United States mint had been passed on April 2, 1792, that relief was afforded.*

CHAPTER III.

1783-1787.

FOREIGN AFFAIRS.

Dispute over carrying out the terms of the treaty of 1783 — Debts owed to English merchants — Confiscated property — England accused of violating treaty — Recommendations of Congress treated with Contempt — John Adams sent to England — His instructions — His treatment in England — Negotiations with Lord Carmarthen — States repeal conflicting Laws — Adams' return — Dispute with Spain regarding navigation of the Mississippi — Negotiations between Gardoqui and Jay — Action in the Western States — Retaliatory expedition under George Rogers Clark — Dispute compromised — Debates in Congress — Dispute with the Barbary Powers — Treaty concluded.

The foreign relations of the country were in a condition almost as unsatisfactory as were the finances, and here again Congress displayed its incompetence, making it extremely difficult to satisfactorily adjust the differences with other nations.

Almost immediately after Congress had assembled in January, 1784, a dispute arose over the carrying out of the terms of the treaty of 1783, Great Britain charging the United States with infringing the fourth, fifth and sixth articles pertaining to the payment of debts, confiscation of property, and the persecution of individuals (Tories) for the part they had taken during the war. When the Revolution began, it was estimated that the colonists owed British merchants about £3,000,000

sterling,† and during the war much property belonging to Loyalists had been confiscated.‡ Upon the termination of the war, it was ascertained that on the statute books of five States were laws prohibiting the recovery of the principal of the debts, the recovery of interest, or the transferring of land in payment in place of money. As Congress had no power to enforce the treaty of peace, that body could only send a recommendation to the States asking that such laws as interfered with the terms of the treaty should be re-

* *Ibid*, vol. i., pp. 403-404.

† Curtis, *Constitutional History*, vol. i., pp. 170-171.

‡ On the treatment of the Loyalists, see Flick, *Loyalism in New York*, chap. ix.; Van Tyne, *Loyalists in the American Revolution*, chap. xiii.; Fiske, *Critical Period of American History*, p. 119 et seq.

pealed. As Mr. Curtis remarks, this treaty "could not execute itself. It was made, on the one side, by a power capable of performing, but also capable of waiting for the performance of the obligations which rested upon the other contracting party. On the other side, it was made by a power possessed of very imperfect means of performance, yet standing in constant need of the benefit which a full compliance with its obligations would insure. After the lapse of three years from the signature of the preliminary articles, and of more than two years from that of the definitive treaty, the military posts in the western country were still held by British garrisons, avowedly on account of the infractions of the treaty on our part."*

Congress therefore passed a resolution on the subject of confiscated property, taking the middle course, as suggested by John Adams, by recommending that the States seize no more goods and property belonging to Loyalists and put no obstacles in the way of their recovering that already confiscated. This raised a storm of protest throughout the country and divided the inhabitants into three parties: those Tories, who wished to regain their property and former rights and power; those violent Whigs, who desired to drive the Tories from the country; and those moderate Whigs, who advocated a

less rigorous interpretation of the laws, first, because if the Loyalists were driven from the country they would settle in Nova Scotia and destroy the American fisheries, second, because they thought the Tories, if allowed to remain, would contribute to the prosperity of the country, and third, because they knew the Tories had no political influence.* Believing that there was little prospect of obtaining justice in this country, many of the Tories departed for England, hoping that the king, for whom they had suffered, would care for them until their affairs should assume their previous condition. Others went to Florida, then a Spanish possession; others to Canada and Bermuda;† while a few turned pirates, infesting the waters of Chesapeake Bay.‡ In the main, the hopes of the refugees were blasted. While making some small donations to relieve their sufferings, the king practically turned a deaf ear to their entreaties and ignored their claims for damages. They also received a somewhat cold treatment in Canada.

On the other hand the English army was accused of taking away a large number of negroes, in violation of the seventh article of the treaty, and when remonstrance was made it was claimed that the negroes were freemen and went voluntarily, and that therefore the British com-

* McMaster, *United States*, vol. i., pp. 108-109.

† Fiske, *Critical Period*, p. 130.

‡ McMaster, vol. i., p. 112.

* Curtis, *Constitutional History*, vol. i., p. 173.

mander could not lend his aid in remanding such persons to slavery.* The Whigs denied this and used the breach of faith as a justification for many sharp acts against the refugees. Many of the States re-enacted old laws or allowed those on the statute books to remain unchanged, the most severe laws being enacted in New York.† In addition, the British troops still retained possession of the posts from Lake Champlain to Michillimackinac. This not only gave them a decided influence over the neighboring Indians, but also enabled the English traders to retain their hold upon the fur trade of a rich and extensive region. Hence this was a point on which the Americans were peculiarly sensitive.‡

The recommendations of Congress were treated with open contempt,|| and it was no more than was to be expected under the existing political conditions.

Early in 1785, therefore, Congress resolved to send a minister-plenipotentiary to Great Britain. On February 24 of that year, John Adams, then in France, was appointed to that post, and on May 26 arrived in

London to assume his duties.* His instructions were as follows:

"You are in a respectful, but firm manner, to insist, that the United States be put, without further delay, into possession of all the posts and territories within their limits, which are now held by British garrisons; and you will take the earliest opportunity of transmitting the answer you may receive to this requisition.

"You will remonstrate against the infraction of the treaty of peace, by the exportation of negroes and other American property, contrary to the stipulations on that subject, in the seventh article of it. Upon this head, you will be supplied with various authentic papers and documents, particularly the correspondence between General Washington and others on the one part, and Sir Guy Carleton, on the other.

"You will represent to the British ministry, the strong and necessary tendency of their restrictions on our trade, to incapacitate our merchants, in a certain degree, to make remittances to them.

"You will represent in strong terms, the losses which many of our, and also of their merchants, will sustain, if the former be unreasonably and immoderately pressed for the payment of debts contracted before the war. On this subject, you will be furnished with papers, in which it is amply discussed."

The treatment accorded Adams upon his appearance is variously stated by different historians, and

* John Adams, *Works*, vol. i., p. 418, vol. viii., pp. 229, 230. Regarding the nomination of Adams to this post, Jay wrote to the president of Congress as follows: "It cannot, in my opinion, be long before Congress will think it expedient to name a minister to the court of London. Perhaps my friends may wish to add my name to the number of candidates. If that should be the case, I request the favor of you to declare in the most explicit terms that I view the expectations of Mr. Adams on that head as founded in equity and reason, and that I will not, by any means, stand in his way. He deserves well of his country, and is very able to serve her. It appears to me to be but fair that the disagreeable conclusions, which may be drawn from the repeal of his former commission, should be obviated, by its being restored to him."—Wharton, *Diplomatic Correspondence of the Revolution*, vol. vi., p. 457.

* Fiske, *Critical Period*, pp. 131-132. See also John Adams, *Works*, vol. viii., pp. 249-250.

† For details see McMaster, *United States*, vol. i., p. 117 *et seq.*

‡ McLaughlin, *The Confederation and the Constitution*, pp. 101-102. See also McLaughlin, *Western Posts and British Debts*, in *Report of the American Historical Association for 1894*, pp. 413-444.

|| Pellew, *John Jay*, p. 240.

his own account is especially interesting.* Upon being received by the king, he said that he hoped he would be instrumental in "restoring an entire esteem, confidence, and affection; or, in better words, the old good nature and the old good humor between people, who, though separated by an ocean, and under different governments, have the same language, a similar religion, and kindred blood." King George replied: "The moment I see such sentiments and language as yours prevail and a disposition to give this country the preference that moment I shall say, let the circumstances of language, religion, and blood have their natural and full effect."† Nevertheless, in spite of these sentiments, the representative of the youthful republic was treated with indifference and neglect, the English statesmen evidently preferring to act with haughtiness, rather than to bind the new republic to them by actions of good will and generosity. Adams says:

"Throughout the whole political history of Great Britain, this marked fault may be traced in its relations with foreign nations, but it never showed itself in more striking colors than during the first half century after the independence of the United States. The effects of the mistake then committed have been perceptible ever since. Mr. Jefferson, who soon joined Mr. Adams in London, for the purpose of carrying out, in the case of the British government, the powers vested in the commission to negotiate commercial treaties, has left his testimony of the treatment he met with at court.‡ The king turned his back

upon the American commissioners, a hint which, of course, was not lost upon the circle of his subjects in attendance.* Who can measure the extent of the influence which even so trifling an insult at this moment may have had in modifying the later opinions of the two men who were subjected to it? And in view of their subsequent career in the United States, who can fail to see how much those opinions have done, to give to America the impressions respecting Great Britain that have prevailed down to this day? Often has it happened that the caprices of men in the highest stations, have produced more serious effects upon the welfare of millions than the most elaborate policy of the wisest statesmen."†

McLaughlin says: "If English ministers were blunt and self-satisfied, no less was Adams. It never occurred to him to favor and flatter or to be ashamed of the young distracted country he represented; and in power of lucid, forceful expression, or in knowledge of public law he had few if any superiors among the English statesmen of the time."‡

On December 8, 1785, Adams presented a memorial to the British Secretary of State,|| in which he stated

* Adams says that at his first interview he was "introduced with every necessary formality, and received with some marks of attention."—John Adams, *Works*, vol. viii., p. 254. See also p. 274.

† John Adams, *Works*, vol. i., p. 420. McMaster, however, says that Adams was treated "with the same marks of honor it was customary to bestow on the ambassadors of the proudest kings" and "was much pleased with the treatment accorded him."—*United States*, vol. i., p. 234. Jefferson, on the other hand, says "it was impossible for anything to be more ungracious" than their reception by the king and queen. See Ford's ed. of *Jefferson's Writings*, vol. i., p. 89.

‡ McLaughlin, *The Confederation and the Constitution*, p. 103.

|| For Adams' reports of his various conversations preceding this and his letters to Carmarthen, see John Adams, *Works*, vol. viii., pp. 268–273, 276–278, 284–286, 286–288, 302–310, 310–314, 320–321, 322–325, 325–333.

* See John Adams, *Works*, vol. i., pp. 418–420, vol. viii., pp. 251–252.

† John Adams, *Works*, vol. viii., pp. 256–257.

‡ See Morse, *Thomas Jefferson*, pp. 79–81.

that the detention of the western posts was contrary to the treaty of peace, and that the United States required "that all his Majesty's armies and garrisons be forthwith withdrawn from the said United States, from all and every of the posts and fortresses before enumerated, and from every other port, place and harbor within the territory of the said United States, according to the true intention of the treaties aforesaid."*

On February 28, 1786, Lord Carmarthen made reply, acknowledging the detention of the posts, but saying that the United States had broken the fourth article of the treaty, by interposing impediments to the recovery of British debts in America.† He said: "The little attention to the fulfilling this engagement on the part of the subjects of the United States in general, and the direct breach of it in many particular instances, have already reduced many of the king's subjects to the utmost degree of difficulty and distress; nor have their applications for redress, to those whose situation in America naturally pointed them out as the guardians of public faith, been as yet successful in attaining them that justice, to which, on every principle of law, as well as humanity, they were clearly and indisputably entitled." In conclusion, Carmarthen said: "that

whenever America shall manifest a real determination to fulfill her part of the treaty, Great Britain will not hesitate to prove her sincerity to co-operate in whatever points depend upon her, for carrying every article of it into real and complete effect." Accompanying this reply was a statement giving details as to the manner in which infractions of the treaty had been committed by the States.

Adams immediately sent copies of this document to Congress, by which body they were referred for consideration to Jay, Secretary of Foreign Affairs. Jay could not but acknowledge that, in several particulars, the United States had violated the treaty, and that Congress were insisting that Great Britain observe the letter of a treaty, the compliance with the provisions of which by the various States, they themselves were unable to compel. Writing to Jay, Washington said: "What a misfortune it is that the British should have so well grounded a pretext for their palpable infractions, and what a disgraceful part, out of the choice of difficulties before us, are we to act!" Thereupon Congress passed resolutions requesting the States to rescind every law which conflicted with the treaty, saying in their circular letter to the States, "We have deliberately and dispassionately examined and considered the several facts and matters urged by Great Britain, as infractions of the treaty of peace, on the part of America, and

* John Adams, *Works*, vol. viii., pp. 357-358.

† For a resumé of the British argument, see McMaster, *United States*, vol. i., p. 236 *et seq.*

we regret that in some of the states, too little attention has been paid to the public faith pledged by the treaty." The majority of the States complied with the recommendation of Congress, and such laws as conflicted with the terms of the treaty were repealed. But Virginia, when repealing previous acts conflicting with the recovery of debts due British merchants, stated that those acts should not be rescinded until the governor issued a proclamation giving notice that the western posts had been evacuated by the British troops, nor until Great Britain had also taken measures to return to citizens of Virginia the negroes carried away contrary to the seventh article of the treaty, or by compensating the owners for them.

Thus the matters in dispute remained unsettled for some time, and, as the British continued to occupy the western posts,* they took advantage of the opportunity to inflame the Indian tribes of that vicinity against the Americans. This resulted in holding back emigration from the Eastern states to the West, and for some time prevented the develop-

* On the negotiations for the evacuation of the western posts and for other events in connection with the northwest at this time, see Moore, *The Northwest Under Three Flags*, pp. 290-314, and the authorities cited, particularly: *American State Papers, Foreign Relations*, vol. i.; Stone, *Life of Joseph Brant*; *Michigan Pioneer and Historical Collections*, vol. xi.; Andrew C. McLaughlin, *Western Posts and British Debts*, in *American Historical Society Report* for 1894; English, *Life of George Rogers Clark*, vol. ii.; Pickell, *History of the Potomac Company*.

ment of the Great Lake regions. Consequently, realizing the impossibility of concluding a favorable commercial treaty with the British, and knowing that the latter had declined to send a minister to the United States, Adams returned home in 1788. At the same time Congress passed a resolution expressing their high regard for the manner in which he had conducted the negotiations, and thanking him for the perseverance, integrity, and diligence with which he had served his country in that important post.*

Beside the difficulties with Great Britain, an open rupture between Spain and the United States seemed probable.

The trouble arose over the secret article in the British treaty. By the second article of that treaty the Southern boundary of the territory relinquished by Great Britain was the 31st parallel of latitude from the Mississippi to the Appalachicola, thence down to the Flint River, from that river to the head of the St. Mary's River, and thence to the sea.† South of this line, lay Florida, owned by Spain. England was covetous of this rich territory, and therefore a secret article was inserted, by the terms of which it was agreed that if Great Britain should recover or become possessor of West Florida, the

* John Adams, *Works*, vol. viii., pp. 477-478.

† Phelps, *Louisiana*, p. 149; *Journals of Congress*, vol. ix., p. 26; Ogg, *Opening of the Mississippi*, p. 397.

southern boundary of the United States should be a line run due east from the confluence of the Yazoo (or Yassous) and the Mississippi to the Appalachicola.* Thus the boundary between West Florida and the United States would be $32^{\circ} 30'$, instead of 31° , which line would intersect the Mississippi at the mouth of the Yazoo, near the present site of Vicksburg, instead of nearly fifty miles below Natchez as would the latter line. Great Britain and the United States thus virtually recognized the boundary of West Florida as $32^{\circ} 30'$, as far as they themselves were concerned, but if any other power should come into possession of the Floridas, the northern boundary was to be 31° .† By the eighth article it was agreed that the Mississippi should always be open to both English and Americans.‡

The receipt by Spain of the news of this secret article may possibly

* *Secret Journals of Congress*, vol. iii., p. 338. Executed November 30, 1782. See also *Treaties and Conventions concluded between the United States of America and other Powers*, p. 373. The American commissioners' defence of the secret article, July 18, 1803, is in John Adams, *Works*, vol. i., p. 375, App. F.

† Ogg, *Opening of the Mississippi*, p. 413. For a general discussion of the Florida boundary, see H. E. Chambers, *West Florida and its Relation to the Historical Cartography of the United States*, in *J. H. U. Studies*, series xvi., no. v.; B. A. Hindsdale, *The Establishment of the First Southern Boundary of the United States*, in *Annual Report of the American Historical Association*, 1893, pp. 331-366; Charles H. Haskins, *The Yazoo Land Companies*, in *Papers of the American Historical Association*, vol. v., pp. 395-437.

‡ *Journals of Congress*, vol. ix., p. 29.

have added to the ill-humor of that country, but her wrath needed no stimulus; she had for years been consistent and unflagging in her course of opposition to the United States. It was not long before she let it be known that she had no intention of abiding by the boundaries as agreed upon, nor of admitting that Americans had the right to freely navigate the Mississippi to its mouth. On June 25, 1784, therefore, she sent a letter to Congress which was read to that body November 19, 1784, signifying that under no circumstances would Spain allow the free navigation of the Mississippi until the limits of Louisiana and the two Floridas should be determined.* Spain said that, if American citizens attempted to navigate the river, they would only expose their vessels and produce to capture and confiscation. This threat presaged a direful contingency to the people of the West and Southwest, for the people of these sections were engaged almost entirely in agricultural pursuits and their prosperity depended upon the facility with which they could dispose of their products in the Eastern States and in Europe. Transportation by land to the East was slow and expensive, and even though the western products brought high prices in the eastern markets the profits were

* *Secret Journals of Congress*, vol. iii., pp. 517-518; Ogg, *Opening of the Mississippi*, pp. 415-416; McMaster, *United States*, vol. i., p. 372; Hunt, *Life of Madison*, p. 58.

wiped out by the cost of carriage. The water route was therefore the only practical means by which they could transport their goods to market. They could send the products in barges down the Mississippi to New Orleans or the vicinity, there load them on sea-going vessels, and thus ship them by an all-water route to the Atlantic ports. In 1784 this method was employed almost exclusively, and naturally the free and unrestricted use of the Mississippi was of vital importance.*

The fact that Spain held New Orleans had long been a source of much chagrin to the Westerners, and the acquisition of Florida in 1783 occasioned still greater alarm. Yet no real inconvenience was suffered until the dispute arose over the Florida boundary. Thereafter the Spanish held the trade upon the lower Mississippi entirely at their mercy. A custom house was established at New Orleans and the officials boarded every American boat that passed, and while the threat of confiscation was not generally put into effect, the traders were subjected to the payment of heavy tolls, and annoyed in innumerable ways. There was no way of escape, and as a result, before a year had elapsed after Florida came into Spanish possession, the trade of the Kentuckians and the Tennesseans was completely ruined.† The element of risk

was so great and the losses were so numerous by the Mississippi route, that the profits from the transactions were no greater than if the products had been shipped by the land route. Consequently, this enforced isolation placed the Southwest in a state of commercial stagnation.* Tobacco, which was worth \$9.50 in Virginia, would bring but \$2 in Kentucky, while the cost and difficulty of transportation rendered almost valueless such products as corn, fish, flour, and other food products which were abundant in the West and in great demand in the East.

The people of the Southwest appealed to Congress to extricate them from this dilemma, urging that the whole force of the nation be directed to the task of bringing Spain to terms. But the East was deaf to the appeals of the West, for that section had its own interests to subserve, and was not much concerned with the prosperity or the tribulations of the West.† Undoubtedly the great majority of the Eastern people felt that the Westerners should have the right to navigate the Mississippi, but they were not willing to sacrifice their own interests for those of Kentucky and Tennessee, and did not consider it wise to risk a rupture with Spain, by insisting upon a matter which affected but a small portion

* Ogg, *Opening of the Mississippi*, pp. 416-417.

† *Ibid.*, p. 417.

* Roosevelt, *Winning of the West*, vol. iii., p. 113 *et seq.*

† *Ibid.*, vol. iii., p. 98 *et seq.*

of the people.* Writing to Benjamin Harrison of Virginia, October 10, 1784, Washington very succinctly states the critical character of the situation as follows:

"I need not remark to you, sir, that the flanks and rear of the United States are possessed by other powers, and formidable ones, too; nor how necessary it is to apply the cement of interest to bind all parts of the Union together by insoluble bonds, especially that part of it which lies immediately west of us, with the middle states. For what ties, let me ask, should we have upon those people? How entirely unconnected with them shall we be, and what troubles may we not apprehend, if the Spaniards on their right, and Great Britain on their left, instead of throwing stumbling-blocks in their way, as they now do, should hold out lures for their trade and alliance? What, when they get strength, which will be sooner than most people conceive (from the emigration of foreigners, who will have no particular predilection toward us, as well as from the removal of our own citizens), will be the consequence of their having formed close connections with both or either of those powers, in a commercial way? It needs not, in my opinion, the gift of prophecy to foretell.

"The western states (I speak now from my own observation) stand as it were upon a pivot. The touch of a feather would turn them any way. They have looked down the Mississippi, until the Spaniards, very impolitically I think for themselves, threw difficulties in their way; and they looked that way for no other reason than because they could glide gently down the stream, without considering, perhaps, the difficulties of the voyage back again, and the time necessary to perform it in, and because they have no other means of coming to us but by long land transportations and unimproved roads. These causes have hitherto checked the industry of the present settlers; for, except the demand for provisions, occasioned by the increase of population, and a little flour which the necessities of the Spaniards compel them to buy, they have no incitements to labor. But smooth the road, and make easy the way for them, and then see what an influx of articles will be poured upon us; how amazingly our exports will be increased by them, and how amply

we shall be compensated for any trouble and expense we may encounter to effect it."*

Spain did not rest content with formal warnings; she was in earnest and determined not to relinquish her colonies even though they were strangled in her grasp. Several methods were open to her. She could institute diplomatic negotiations and settle the matter by fair and square arbitration; she could intrigue with the Indians and incite them to make life so burdensome to the western pioneers that they would return east; she could bribe the western settlers into declaring themselves independent of the Confederation. Probably the last would have been the easier course, for the Westerners were eager for gold, whether Spanish or American, and as the States had none Spain was sure to win out on a question of money resources.†

In order to settle the dispute, Congress appointed Jay, Secretary of Foreign Affairs, to go to Spain. But before he departed Don Diego de Gardoqui (or Guardoqui) came to Philadelphia as first Spanish Minister, and on July 2, 1785, presented his credentials authorizing him to treat with the United States concerning boundaries and to settle all diffi-

* Sparks' ed. of *Washington's Writings*, vol. ix., pp. 62-63. See also *Old South Leaflets*, no. xvi.; Ford's ed. of *Washington's Writings*, vol. x., p. 488; Madison's *Works* (Congress ed.), vol. i., p. 136 et seq.

† McLaughlin, *The Confederation and the Constitution*, pp. 93-94.

* Ogg, *Opening of the Mississippi*, pp. 418-419; Schuyler, *American Diplomacy*, pp. 270-271.

culties on that score.* On July 21, 1785, Jay had been given full discretionary powers to treat on all subjects of interest to the two nations in any way that might seem to him advisable,† but on August 25 he was more especially instructed to insist upon the recognition of the 31st parallel and the free navigation of the Mississippi, from its source to its mouth, as guaranteed in the treaty with Great Britain.‡ A long negotiation ensued,|| but Gardoqui was resolute in refusing to concede the free navigation of the Mississippi, and flatly informed Jay that the king refused to recognize the treaty of 1783 as binding. On the other hand, he offered very favorable terms for a commercial treaty with Spain.§ Finally the negotiations became so disagreeable that in desperation Jay asked Congress to appoint a committee to advise and instruct him in secret, and Rufus King, Pettit and Monroe were appointed for that purpose. Thereupon Jay set about preparing a letter on the subject to Gardoqui.

On August 3, 1786, Jay finished the statement of the difficulties he was experiencing in his negotiations with

* *Secret Journals of Congress*, vol. iii., pp. 563-570.

† *Secret Journals of Congress*, vol. iii., p. 571.

‡ *Secret Journals of Congress*, August 25, 1785, vol. iii., pp. 585-586. See also Schuyler, *American Diplomacy*, p. 269; Pellew, *John Jay*, pp. 232-233.

|| See Ogg, *Opening of the Mississippi*, pp. 422-424.

§ Pitkin, *Political and Civil History of the United States*, vol. ii., p. 202 et seq.

the Spanish minister and laid it before Congress, suggesting a way by which the difficulties could be overcome. There were many reasons in favor of making such an arrangement as would open the ports of Spain to American ships, and it was felt that if Spain persisted in her stand regarding the Mississippi, it would be necessary to choose between the two alternatives—yielding or going to war. Jay made it clear that he did not consider this an ideal solution of the matter, but merely as the only one that was at all practicable. He said:

“My letters written from Spain when our affairs were the least promising, evince my opinion respecting the Mississippi, and oppose every idea of our relinquishing our right to navigate it. I entertain the same sentiments of that right and of the importance of retaining it, which I then did. Mr. Gardoqui strongly insists on our relinquishing it. We have had many conferences and much reasoning on the subject, not necessary now to detail. His concluding answer to all my arguments has steadily been, that the king will never yield that point, nor consent to any compromise about it; for that it always has been and continues to be one of their maxims of policy to exclude all mankind from their American shores. I have often reminded him that the adjacent country was filling fast with people, and that the time must and would come when they would not submit to seeing a fine river flow before their doors without using it as a highway to the sea for the transportation of their productions; that it would therefore be wise to look forward to that event, and take care not to sow in the treaty any seeds of future discord. He said that the time alluded to was far distant, and that the treaties were not to provide for contingencies so remote and future. For his part he considered the rapid settlement of that country as injurious to the states, and that they would find it necessary to check it.”

Jay therefore considered it “expedient to agree that the treaty

should be limited to twenty-five or thirty years, and that one of the articles should stipulate that the United States would forbear to use the navigation of that river below their territories to the ocean." He thought the experiment worth trying, first because no treaty with Spain could be concluded unless the Mississippi question were settled in some way. In the second place he said, "as that navigation is not at present important, nor will probably become much so in less than twenty-five or thirty years, a forbearance to use it while we do not want it, is no great sacrifice." Thirdly he said: "Spain now excludes us from that navigation, and with a strong hand holds it against us. She will not yield it peaceably, and therefore we can only acquire it by war. Now as we are not prepared for a war with any power; as many of the States would be little inclined to a war with Spain for that object at this day; and as such a war would for those and a variety of obvious reasons be inexpedient—it follows that Spain will, for a long space of time yet to come, exclude us from that navigation. Why, therefore, should we not (for a valuable consideration, too) consent to forbear to use what we know is not in our power to use?" Lastly he said, if the matter were not settled now and the United States and Spain should come to a parting of the ways, what were the former to do? Spain might be driven into a permanently hostile position, but the United

States could not enforce her demands by going to war, as they were not capable of conducting a war, and consequently all manner of ill treatment would be heaped upon the young nation. "The Mississippi would continue shut; France would tell us our claim to it was ill founded; the Spanish posts on its banks and even those out of Florida in our country, would be strengthened; and that nation would there bid us defiance with impunity, at least until the American nation shall become more really and truly a nation than it at present is. For unblessed with an efficient government, destitute of funds and without publick credit, either at home or abroad, we should be obliged to wait in patience for better days, or plunge into an unpopular and dangerous war with very little prospect of terminating it by a peace, either advantageous or glorious." He said also that, "even if our right to that navigation, or to anything else, was expressly declared in holy writ, we should be able to provide for the enjoyment of it no otherwise than by being in capacity to repel force by force."*

Washington and a number of the other statesmen did not deem this point of prime importance at that date,† and were disposed to waive the

* See Jay's various reasons, in *Secret Journals of Congress*, vol. iv., pp. 45, 53-54; Pellew, *John Jay*, pp. 233-234.

† Writing on May 26, 1788, to John Brown, Jefferson said: "The navigation of the Mississippi was perhaps the strongest trial to which the justice of the federal government could be

right for twenty-five or thirty years, and conclude a commercial treaty at once. Writing to Washington, Henry Lee, then in Congress, said:

"We are very solicitous to form a treaty with Spain for commercial purposes. Indeed, no nation in Europe can give us conditions so advantageous to our trade as that kingdom. The carrying business they are like ourselves in, and this common source of difficulty in adjusting commercial treaties between other nations does not apply to America and Spain. But, my dear General, I do not think you go far enough. Rather than defer longer a free and liberal system of trade with Spain, why not agree to the exclusion of the Mississippi? This exclusion will not, cannot, exist longer than the infancy of the western emigrants. Therefore, to these people, what is now done cannot be important. To the Atlantic States it is highly important; for we have no prospect of bringing to a conclusion our negotiations with the court of Madrid, but by yielding the navigation of the Mississippi. The minister here is under positive instructions on that point. In all other arrangements the Spanish monarch will give to the states testimonies of his regard and friendship. And I verily believe that, if the above difficulty should be removed, we should soon experience the advantages which would flow from a connection with Spain."*

In reply to Lee, Washington said:

"The advantages with which the inland navigation of the rivers Potomac and James is pregnant must strike every mind that reasons upon the subject; but there is, I perceive, a diversity of sentiment respecting the benefits and consequences which may flow from the free and

put. If ever they thought wrong about it, I trust they have got to rights. I should think it proper for the Western country to defer pushing their right to that navigation to extremity as long as they can do without it tolerably; but that the moment it becomes absolutely necessary for them, it will become the duty of the maritime states to push it to every extremity to which they would their own right of navigating the Chesapeake, the Delaware, the Hudson, or any other water."—Ford's ed. of *Jefferson's Writings*, vol. v., p. 17.

* Sparks' ed. of *Washington's Writings*, vol. ix., p. 173, note.

immediate use of the Mississippi. My opinion of this matter has been uniformly the same; and no light in which I have been able to consider the subject is likely to change it. It is, neither to relinquish nor to push our claim to this navigation, but in the meanwhile to open *all* the communications which nature has afforded between the Atlantic States and the Western territory and to encourage the use of them to the utmost. In my judgment, it is a matter of very serious concern to the well-being of the former to make it the interest of the latter to trade with them; without which, the ties of consanguinity, which are weakening every day, will soon be no bond, and we shall be no more, a few years hence, to the inhabitants of that country, than the British and Spaniards are at this day; not so much, indeed, because commercial connections, it is well known, lead to others, and, united, are difficult to be broken. These must take place with the Spaniards if the navigation of the Mississippi is open. Clear I am that it would be for the interest of the western settlers, as low down the Ohio as the Big Kenhawa, and back to the Lakes, to bring their produce through one of the channels I have named; but the way must be cleared, and made easy and obvious to them, or else the ease with which people glide down stream will give a different bias to their thinking and acting. Whenever the new states become so populous and so extended to the westward as really to need it, there will be no power which can deprive them of the use of the Mississippi. Why, then, should we prematurely urge a matter which is displeasing and may produce disagreeable consequences, if it is our interest to let it sleep? It may require some management to quiet the restless and impetuous spirits of Kentucky, of whose conduct I am more apprehensive in this business than I am of all the opposition that will be given by the Spaniards."*

The New England States clamored for the conclusion of the treaty, as much of the western trade would then come through her ports, but the South would not throw away the affections of her Western colonies by thus abandoning them, while the Middle States

* Sparks' ed. of *Washington's Writings*, vol. ix., pp. 172-173. For similar expressions, see also pp. 180, 205, 261.

leaned toward New England.* Accordingly, on August 29, 1786, after heated debates in Congress, Jay's instructions of August 25, 1785, not to yield on this point, were rescinded by a vote of seven States against five.† An agreement was then entered into with the Spanish minister, suspending the use of the Mississippi, without relinquishing the right asserted by the United States.‡

Some of the Southerners admitted that there was no need for haste in the matter. Washington, as previously quoted, had said: "There is nothing which binds one country or one State to another but interest. Without this consent, the Western inhabitants, who more than probably will be composed in a great degree of foreigners, can have no predilection for us, and a commercial connexion is the only tie we can have upon them."|| But the majority of

the Virginians were wrathful that the North should take advantage of a commercial treaty and barter away the rights of the South. Madison thought that delay was useless and would probably precipitate strife. He thought the matter might just as well be settled at once for all time as to allow it to drag along for years, for, as he said in a letter to Jefferson, August 20, 1784, Spain "can no more finally stop the current of trade down the river than she can that of the river itself."*

Meanwhile the Mississippi Valley particularly Kentucky,† was filling up "with a degree of rapidity hitherto unknown in this country." As Lyman says: "While Congress was discussing the points of a treaty a nation was created there."‡ With patient endurance and marvellous disregard of personal danger and hardship, the pioneers were following Boone's old trail through eastern Tennessee, or floating down the Ohio to establish homes in Kentucky, until in 1785 Kentucky was supposed to contain about 20,000 inhabitants and was increasing rapidly. Laboring under the apprehension that their interests would be sacrificed to the commercial policy of the Atlantic States, the people of the West became

* McMaster, *United States*, vol. i., p. 378. See also Sparks' ed. of *Washington's Writings*, vol. ix., pp. 205-206, note; Ogg, *Opening of the Mississippi*, pp. 428-429; Gay, *Life of Madison*, p. 80 et seq.

† McLaughlin, *The Confederation and the Constitution*, p. 98; Pellew, *John Jay*, p. 239; *Secret Journals of Congress*, vol. iv., pp. 109-110, and for the various motions and proposals, pp. 81-127. Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey voted in the affirmative, while Virginia, Maryland, Georgia, North Carolina, and South Carolina voted in the negative. See Ogg, *Opening of the Mississippi*, p. 432.

‡ See Jay's communication to Congress, October 6, 1786, *Secret Journals of Congress*, vol. iv., pp. 297-301. In this connection, see Monroe's letter to Patrick Henry, in Henry, *Life of Patrick Henry*, vol. ii., p. 291 et seq.

|| Ford's ed. of *Washington's Writings*, vol. x., p. 488.

* Hunt, *Life of Madison*, p. 59; *Madison's Works* (Congress ed.), vol. i., p. 93.

† See Jay's letter to LaFayette, in Jay, *Correspondence and Public Papers* (Johnston's ed.), vol. iii., p. 138.

‡ Lyman, *Diplomacy of the United States*, vol. i., p. 285.

greatly aroused and alarmed. Other events which now occurred further tended to excite their apprehension. On June 16, 1786, the Spanish authorities at Natchez seized a boat and cargo belonging to an American citizen, Thomas Amis, who was shipping the goods down the river for re-shipment or sale at New Orleans.* The news of this procedure aroused the impetuous spirits of the West, and they were little disposed to allow themselves to be put in a state of vassalage to the Spaniards.† "To sell us and make us vassals to the merciless Spaniards, is a grievance not to be borne," said one.‡ Rather than this, they would march, to a man, and drive the Spaniards entirely out of the country. If the East did not see fit to join them, they were ready and able to do it themselves independently, and if necessary they would then form a confederacy of their own. They said that there were 20,000 men west of the Alleghanies prepared to rush down the Mississippi to expel the Spaniards. Great Britain stood ready to receive them, and if the Federal Government did not succor them, they would throw off all allegiance to

the United States. The latter would find too late that they were as ignorant of the great Valley of the Mississippi as England was of the American colonies at the time of the Revolution.* Writing to Madison, George Muter said: "Our people are greatly alarmed at the prospect of the navigation of the Mississippi being given up, and I have not met with one man who would be willing to give the navigation up, for ever so short a time, on any terms whatsoever." John Campbell wrote to Madison as follows:

"The minds of all the western people are agitated on account of the proposed cession of the Mississippi navigation to Spain. Every person talks of it with indignation and reprobates it as a measure of the greatest Injustice and Despotism, declaring that if it takes place they will look upon themselves released from all Federal Obligations, and fully at Liberty to seek Alliances and connections wherever they can find them, and that the British officers at Detroit have already been tampering with them. I am apprehensive that these matters will hasten the Separation of the District of Kentucky prematurely from the other part of the State, the Inhabitants of North Carolina to the westward of Cumberland Mountain, being desirous to join the People of Kentucky in forming one State."†

Consequently, when the Westerners heard of the twenty-five year proviso they were fully aroused.‡ George

* Dunn, *Indiana*, p. 167; Ogg, *Opening of the Mississippi*, p. 433; Gilmore, *Advance-Guard of Western Civilization*, p. 131; *Secret Journals of Congress*, vol. iv., p. 325, the pass given to Amis being on p. 326.

† Phelps, *Louisiana*, p. 152; McMaster, vol. i., pp. 382-383.

‡ This letter will be found in *Secret Journals of Congress*, vol. iv., pp. 320-321. Excerpts are given in Ogg, *Opening of the Mississippi*, p. 435 et seq. See also Gilmore, *Advance-Guard of Western Civilization*, p. 133 et seq.

* See the documents laid before Congress, April 13, 1787, *Secret Journals of Congress*, vol. iv., pp. 315-328.

† See Hunt, *Life of Madison*, p. 61.

‡ Writing to Madison from Paris, Jefferson said: "I will venture to say that the act which abandons the navigation of the Mississippi is an act of separation between the eastern and western country. It is a relinquishment of five parts out of eight of the territory of the United States; an abandonment of the fairest subject for the pay-

Rogers Clark formed a body of militia, which was enlisted for a year, and took post at Vincennes, where he retaliated against the Spanish by seizing some merchandise belonging to a Spanish storekeeper.* The Kentuckian members of the Virginia Assembly now drafted a petition to that body in the form of a protest against the proposed Jay treaty, and boldly asserted the right of the

ment of our public debts, and the chaining those debts on our own necks, *in perpetuum*. I have the utmost confidence in the honest intentions of those who concur in this measure; but I lament their want of acquaintance with the character and physical advantages of the people, who, right or wrong, will suppose their interests sacrificed on this occasion to the contrary interests of that part of the Confederacy in possession of the present power. If they declare themselves a separate people, we are incapable of a single effort to retain them. Our citizens can never be induced, either as militia or as soldiers, to go there to cut the throats of their own brothers and sons, or, rather, to be themselves the subjects instead of the perpetrators of the parricide. Nor would that country quit the cost of being retained against the will of its inhabitants, could it be done. But it cannot be done. They are able already to rescue the navigation of the Mississippi out of the hands of Spain, and to add New Orleans to their own territory. They will be joined by the inhabitants of Louisiana. This will bring on a war between them and Spain, and that will produce the question with us, whether it will not be worth our while to become parties with them in the war, in order to reunite them with us, and thus correct our error. And were I to permit my forebodings to go one step further, I should predict that the inhabitants of the United States would force their rulers to take the affirmative of that question.*

* See the letter quoted in Dunn, *Indiana*, p. 168. See also Jay's report on Clark's reprisal, in *Secret Journals of Congress*, vol. iv., p. 301 *et seq.*; Roosevelt, *Winning of the West*, vol. iii., pp. 117-118; McMaster, vol. i., pp. 379-380; *Secret Journals of Congress*, vol. iv., pp. 311-313.

United States to use the Mississippi.* Madison promised to aid the Kentuckians if they would reciprocate by voting to send a delegation to the Federal Convention, which proposition was then before the Virginia Legislature, in accordance with the report of the Annapolis convention.† On November 3, 1786, the latter subject came up for consideration, and it was decided that a law in conformity with the report of the Annapolis Convention ought to be enacted. A bill was drafted, reported on November 7, and unanimously passed November 9.‡ On November 29 Madison performed his part of the compact by securing the passage of a set of resolutions, couched in language similar to that of the Kentucky petition.|| A resolution asserting the right to navigate the Mississippi was also passed in the North Carolina Legislature and sent to Congress.

On April 11, 1787, Jay reported to Congress the state of the negotiations,§ and on the following day sub-

* *Journal of the [Virginia] House of Delegates*, 1786, p. 46.

† Phelps, *Louisiana*, p. 151. Gay, however, (*Life of Madison*, p. 85), says that a bargain "implies an exchange of one thing for another, and Madison had no convictions in favor of closing the Mississippi to exchange for a service rendered on behalf of a measure for which he wished to secure votes. Moreover, no bargain was necessary."

‡ McMaster, pp. 381-382; *Journal of the [Virginia] House of Delegates*, 1786, p. 46.

|| *Journal of the House of Delegates*, 1786, pp. 66-67. See also the *Secret Journals of Congress*, vol. iv., pp. 305-328; Rives, *Life of Madison*, vol. ii., p. 159 *et seq.*; Hunt, *Life of Madison*, p. 62.

§ See Jay, *Correspondence and Public Papers*,

mitted his report on the papers from Virginia and North Carolina. The Articles of Confederation provided that the consent of nine States was necessary to ratify the treaty, but Jay asserted that he thought himself warranted by the assent of seven States in concluding the agreement for the non-usage of the Mississippi already mentioned. On the 23d the report was taken under consideration and an acrimonious debate followed. Nathaniel Gorham of Massachusetts said it would confer a lasting benefit on the Atlantic States if the Mississippi were closed to navigation, and he hoped it would be closed, but Madison accused Gorham of sectionalism, and then, growing angry, attacked the legality of Jay's actions on the ground that the votes of seven States were not sufficient authority on which to close the Mississippi.* An angry dispute followed, but in the midst of it a motion to adjourn was carried and the subject of the treaty was not broached for eighteen months.†

Meanwhile the attitude of the Barbary States was causing some anxiety. Prior to the Revolution, much of the flour and fish exported from the

United States went to the Mediterranean countries, but now the Barbary powers began to seize American vessels and imprison the seamen, demanding enormous ransoms for their release.* Algiers alone had 21 prisoners, for the release of whom \$59,496 was demanded. Agents sent to secure their liberty accomplished nothing, as America had no funds to spend in redeeming its citizens from captivity, and threats had no effect whatever. Early in February, 1786, two envoys, Thomas Barclay and John Lamb, were dispatched to Africa for the purpose of concluding treaties. But soon after they had left England on their way to Africa, a Tripolitan ambassador appeared in London and opened negotiations with Adams. He said that Turkey, Morocco, Algiers, Tripoli and Tunis owned the Mediterranean; that no foreign ships could traverse that sea until peace had been concluded; and that the United States must make treaties in the following order: Tripoli, Turkey, Algiers and Morocco. He computed the price of peace with these four countries at 120,000 guineas, besides presents, incidental charges, etc., which would bring the total to about £200,000 sterling. In the event of this sum being refused, war of the most terrible kind was threatened.† It was therefore a case

vol. iii., p. 240 *et seq.*; *Secret Journals of Congress*, vol. iv., pp. 297-301; W. H. Trescott, *Diplomatic History of the Administrations of Washington and Adams*, p. 46.

*Hunt, *Life of Madison*, p. 65.

†McMaster, *United States*, vol. i., pp. 414-416; *Secret Journals of Congress*, for the dates covering the discussion; Elliot, *Debates*, vol. v., pp. 104-105; Curtis, *Constitutional History*, vol. i., pp. 219-220.

*Eugene Schuyler, *American Diplomacy and the Furtherance of Commerce*, p. 196.

†See Ford's ed. of *Jefferson's Writings*, vol. iv., pp. 198-199, 220-221, 227-228; John Adams, *Works*, vol. viii., pp. 372-373, 374-376, 377-379.

of bribing the Barbary powers or fighting them, and Congress was too poor to do either.*

Writing to Jefferson June 6, 1786, John Adams says:

"The first question is, what will it cost us to make peace with all five of them. Set it, if you will, at five hundred thousand pounds sterling, though I doubt not it might be done for three, or perhaps for two. The second question is, what damage shall we suffer if we do not treat. Compute six or eight per cent. insurance upon all your exports and imports; compute the total loss of all the Mediterranean and Levant trade; compute the loss of one-half your trade to Portugal and Spain. The third question is, what will it cost to fight them. I answer at least half a million a year, without protecting your trade; and when you leave off fighting, you must pay as much money as it would cost you now for peace. The interest of half a million sterling is, even at six per cent., 30,000 guineas a year. For an annual interest of £30,000 sterling, then, and perhaps for £15,000 or £10,000, we can have peace, when a war would sink us annually ten times as much."†

While Adams was negotiating in London, Lamb and Barclay were making progress in Africa. Barclay's first visit to the Emperor of Morocco resulted favorably, and late in January, 1787, news arrived in London that a lasting treaty had been concluded between the United States and Morocco.‡ But when the treaty was placed before Secretary Jay, he was still busy with the Spanish treaty, and this treaty, like the

others, awaited the establishment of a national government.

Lamb, however, had completely failed in his negotiations at Algiers, for, though he had "followed for many years the Barbary trade, and seemed intimately acquainted with those States," yet he could speak nothing but English and was at such a great disadvantage that the Vekil Hadji subsequently expressed the hope that "if the Americans sent an American to Algiers to make the peace, they would send a man who could speak the Spanish or Italian language. He ridiculed much the sending of a man that no one could understand what he had to say." However this may have been, Jefferson himself said: "I am persuaded that an agent sent on this business, and so much limited in his terms, could have done nothing. But should Congress propose to try the line of negotiation again, I think they will perceive that Lamb is not a proper agent." Lamb had been politely received by the Dey, who said that he was well acquainted with the exploits of Washington, but as he never expected to see him, he hoped Congress would send a full-length portrait to be hung in his palace. His regard for Washington, however, did not diminish the prices for the release of captives, which were as follows: three captains each \$6,000; \$4,000 for the mates and passengers; and \$1,500 for each of the seamen,* beside a customary

* Schuyler, *American Diplomacy*, pp. 197-200; McMaster, *United States*, vol. i., pp. 406-408; McLaughlin, *The Confederation and the Constitution*, pp. 106-107 Fiske, *Critical Period of American History*, pp. 157-162.

† John Adams, *Works*, vol. viii., p. 400. See also pp. 406, 407, 410-412.

‡ Schuyler, *American Diplomacy*, pp. 203-204. For text, see Snow, *Treaties and Topics in American Diplomacy*, pp. 143-148.

* John Adams, *Works*, vol. viii., p. 394.

duty of 11 per cent. on the whole amount. This averaged \$2,800 per captive, while the agents had been authorized to offer only \$200.* Jefferson then attempted to obtain the release of the captives through a religious order in Paris called the Society of the Holy Trinity for the Redemption of Captives, commonly

known as Mathurins. In 1789 a sum of money was placed at their disposal, but by July, 1790, only one captive had been ransomed, while six had died. Shortly afterward the Revolution in France abolished all religious orders, and the unfortunate captives were allowed to remain in confinement for several years.*

CHAPTER IV.

1784-1789.

LAND CESSIONS; WESTERN SETTLEMENTS; NEW GOVERNMENTS.

Congress urges States to cede western territory — Cessions by New York, Massachusetts, Connecticut and South Carolina — The Virginia territory — The Ordinance of 1784 — Jefferson's scheme of erecting States — The names proposed — The slavery proviso — The Ordinance for the government of the Northwestern Territory introduced — Machinations of Ohio Company — Memorial presented to Congress by Parsons — Ordinance of 1787 passed — Cutler's negotiations with Congress regarding grant of territory — Colonising parties sent out — Provisions of the Ordinance of 1787 — Territory South of the Ohio — North Carolina territory in the West — Act of cession passed — State of Franklin — General Sevier elected president — Dispute compromised and North Carolina authority reestablished in State of Franklin — Restlessness in Kentucky — Petition to Virginia for separation — Various conventions — Separation authorized — Indian war in the West — Westerners discontented by the refusal of right to navigate Mississippi — Wilkinson's intrigue. Appendix to Chapter IV.— I. The Ordinance of 1787. II. Letters of Dane and King regarding authorship of Ordinance of 1787.

The western lands belonging to the various States were now beginning to be regarded as of considerable importance to the country. The majority of the people considered these western lands national property, and as one of the chief sources from which money could be derived for the payment of the national debt. Congress therefore requested the States to pass the necessary acts to cede their claims to this western territory "as well for hastening the extinguishment of the public debt, as

for establishing the harmony of the United States." There were seven States which laid claim to the western country: New York, Massachusetts, Connecticut, Virginia, North Carolina, South Carolina, and Georgia. The other six States claimed that Congress had rightful authority over the territory, but if it did not, such right should be given it. Some of the States feared the power and strength of those States which possessed immense tracts of land in the West, and at an early date (October 15, 1777),

* Schuyler, *American Diplomacy*, pp. 206-207.

* *Ibid*, pp. 207-208.

Maryland proposed that Congress should be given the right to "fix the western boundary of such States as [lay] claim to the Mississippi or south sea; and lay out the land beyond the boundary so ascertained into separate and independent States from time to time as the numbers and circumstances of the people thereof may require." * Until this were done Maryland refused to sign the Articles of Confederation. Gradually, one by one, New York, Connecticut, and Virginia signified their willingness to do this, and on March 1, 1781, Maryland's delegates in Congress signed the Articles.†

On February 19, 1780, New York ceded her territory in the West, fixing the western boundaries of the State by "a line from the northeast corner of the State of Pennsylvania, along the north bounds thereof, to its northwest corner, continued due west, until it shall be intersected by a meridian line, to be drawn from the 45th degree of north latitude, through a point twenty miles due west from the most westerly bent, or inclination of the river, or strait of Niagara; thence by

the said meridian line, to the 45th degree of north latitude, thence by the said 45th degree of north latitude." Congress accepted this cession in 1782.* On April 19, 1785, Massachusetts ceded her territory west of the line fixed by New York.† Connecticut retained possession of her lands until September, 1786, when she relinquished title to all that lying 120 miles west of the eastern boundary of Pennsylvania,‡ but reserving to herself the valuable tract known as the "Western Reserve" over which the United States did not receive jurisdiction until 1800.|| South Carolina did not cede her lands until August 9, 1787.§

At this time Virginia possessed extensive, rich and well-populated lands in the Northwest, out of which territory have since been carved the States of Michigan and Wisconsin

* *Journals of Congress*, October 29, 1782.

† *Ibid*, April 19, 1785.

‡ *Ibid*, September 14, 1786, vol. xi., pp. 221-223.

|| Marshall's Report, *American State Papers, Public Lands*, vol. i., pp. 94-98.

§ On the cessions, see Moore, *The Northwest under Three Flags*, pp. 315-326, and authorities cited, especially B. A. Hindsdale, *The Old Northwest*; Roosevelt, *Winning of the West*, vol. iii., pp. 246-251; Winsor's *Narrative and Critical History*, vol. vii., app. i.; Johnston, *Connecticut*, pp. 280-283; King, *Ohio*, p. 163 et seq.; F. J. Turner, *Western State-Making in the Revolutionary Era*, in *American Historical Review*, vol. i., pp. 251-258; Shosuke Sato, *The Land Question in the United States*, in *J. H. U. Studies*, series iv., nos. vii.-ix.; Henry Gannett, *Boundaries of the United States and of the Several States and Territories*; Joseph Blunt, *Historical Sketch of the Formation of the Confederacy*; Thomas Donaldson, *The Public Domain (House Misc. Doc., 47th Congress, 2d session, pt. 4, no. 45.*

* *Secret Journals of Congress*, vol. i., p. 328; Herbert B. Adams, *Maryland's Influence upon Land Cessions to the United States*, in *Johns Hopkins University Studies in Historical and Political Science*, series iii., no. 1., p. 22; and the same paper under a slightly different title in *Maryland Historical Society Publications*, no. x.; Fiske, *Critical Period*, pp. 191-193; Ogg, *Opening of the Mississippi*, p. 403.

† See the *Journals of Congress* for September 6, October 10 and 12, 1780; February 12, March 1, 1781; September 12, 1783. See also Curtis, *Constitutional History*, vol. i., pp. 90-97.

and much of Ohio, Indiana, and Illinois. Pursuant to the recommendation of Congress, a bill was introduced in the Virginia House of Deputies in the autumn of 1783 for the cession of this territory to the national body,* and in March, 1784, the bill passed with only slight opposition.† Fiske says:

"When we come to trace out the results of her [Maryland's] action, we shall see that just as it was Massachusetts that took the decisive step in bringing on the Revolutionary War when she threw the tea into Boston Harbor, so it was Maryland that, by leading the way toward the creation of a national domain, laid the cornerstone of our Federal Union. Equal credit must be given to Virginia for her magnanimity in making the desired surrender. It was New York, indeed, that set the praiseworthy example; but New York, after all, surrendered only a shadowy claim, whereas Virginia gave up a magnificent and princely territory of which she was actually in possession. She might have held back and made endless trouble, just as, at the beginning of the Revolution, she might have refused to make common cause with Massachusetts; but in both instances her leading statesmen showed a far-sighted wisdom and breadth of patriotism for which no words of praise can be too strong."‡

With the exception of the Western Reserve, Congress now had title to all territory north of the Ohio, and

* Jefferson's draft of this bill will be found in Ford's ed. of *Jefferson's Writings*, vol. iii., pp. 406-407.

† Bancroft, *History of the United States*, vol. vi., pp. 111-117; Jefferson's letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. iv., p. 62; McMaster, *United States*, vol. i., pp. 149-150, vol. ii., p. 477; Cooley, *Michigan*, pp. 123-124; Henry, *Life of Patrick Henry*, vol. ii., pp. 75-109, 219-220; Hunt, *Life of Madison*, p. 44 et seq.; Curtis, *Constitutional History*, vol. i., pp. 198-199. The act and deed of cession are in Poore, *Federal and State Constitutions*, vol. i., pp. 427-428; Thorpe, *Federal and State Constitutions*, vol. ii., pp. 955-957.

‡ Fiske, *Critical Period of American History*, p. 195.

that body proceeded to enact legislation for its government. Nine years previously this territory had been practically unoccupied by settlers from the older States, but after the war plans for colonization were formed, and hope was expressed that the lands might be sold at a price sufficiently large to pay the debts of the Confederation.* Definite action was taken by Congress in March, 1784, when Virginia had completed her cession, and after much discussion a resolution was finally adopted in April following. It was originally proposed to divide the territory into seventeen States, but this was rejected, and a committee, of which Jefferson was the chairman, proposed a scheme by which ten States were to be formed.‡ There were to be three tiers of States, each of which was to be two degrees of latitude in width, the meridians through the falls of the Ohio and through the mouth of the great Kanawha forming the boundaries of the middle tier, the western tier stretching westward from the first meridian to the Mississippi, and the eastern tier laying eastward from the second meridian to the western line of Pennsylvania.

* J. A. Barrett, *Evolution of the Ordinance of 1787, with an Account of the Earlier Plans for the Government of the Northwest Territory*, in *University of Nebraska Seminary Papers*, no. i., pp. 4-5 (1891).

† For the first draft of the report, see Randall, *Life of Jefferson*, vol. i., pp. 397-399.

‡ This report will be found in Ford's ed. of *Jefferson's Writings*, vol. iii., pp. 407-410, and the report of March 22 on pp. 429-432.

The names proposed for the States were curious, being derived from Latin and Greek, and Latinized forms of the Indian names of the rivers in the territory. Sylvania was the name given to the tract stretching from the 45th parallel of latitude to the Lake of the Woods, this constituting the western State of the western tier, and covering what is now the northern half of Wisconsin and the north-western part of Minnesota. Under Sylvania, stretching from Lake Michigan to the Mississippi in what is now the heart of Wisconsin, was to be Michigania. South of this to the 41st parallel was Assenisipia, below which, between the 39th and 41st parallels, was Illinoia. The present State of Michigan, between lakes Michigan and Huron, was to be called Cherronesus, south of which and east of Assenisipia, stretching to the shores of Lake Erie, was to be Metropotamia. South of Metropotamia and eastward from Illinoia was to be Saratoga. Under the latter two was to be Polypotamia, and east of this Pelisipia. The tenth State was Washington, bounded on the west by Metropotamia and Saratoga, on the south by the Ohio, on the east by Pennsylvania and on the north by Lake Erie.* A code of laws was drawn to serve as a constitution for each State, which would be allowed

self-government when the inhabitants numbered 20,000. These governments were to be established on the following principles — that they should forever remain a part of the Confederacy of the United States; that they should be subject to the Articles of Confederation and the acts and ordinances of Congress just the same as the original States; that they should not interfere in the disposal of the soil by Congress; that they should pay their shares of the public debt, present and prospective, as proportioned by Congress; that the governments should be republican; that lands owned by non-residents should not be taxed higher than those owned by residents in any new State before its delegates had been admitted to vote in Congress. Until the new States should have population sufficient to admit them into the Union, they might send a representative to Congress who should have the privilege of speaking and debating, but not of voting.*

One of the proposed provisions of this code abolished slavery after 1800, and another stated that no person holding a hereditary title might become a citizen of the new States, but both these provisions were stricken out by Congress.† Slightly

* McMaster, *United States*, vol. i., pp. 165-166; Dunn, *Indiana*, pp. 180-181; King, *Ohio*, p. 178. See also Morse, *Thomas Jefferson*, pp. 75-76; Fiske, *Critical Period*, pp. 196-198.

* Curtis, *Constitutional History*, vol. i., pp. 200-201. The text of the ordinance of 1784 is in *Old South Leaflets*, no. cxxvii. A map of the proposed division of States will be found in Winsor, *Narrative and Critical History*, vol. vii., p. 529.

† Dunn, *Indiana*, p. 184 *et seq.*; King, *Ohio*, p. 179; Holmes, *Annals*, vol. ii., pp. 354-356.

amended as to boundaries and names of States, the Ordinance was passed by Congress, April 23, 1784, but it never went into effect.*

Some of the Northern men, however, were not satisfied that the slavery proviso had been dropped, and Pickering called the attention of Rufus King to this fact, saying: "To suffer the continuance of slaves till they can gradually be emancipated, in States already overrun with them, may be pardonable, because unavoidable without hazarding greater evils; but to introduce them into countries where none now exist—countries which have been talked of, which we have boasted of, as asylums to the oppressed of the earth—can never be forgiven."† Accordingly, on March 16, 1785, King moved that the following proposition be committed: "That there shall be neither slavery nor involuntary servitude in any of the States described by the resolve of Congress of the 23d of April, 1784, otherwise than in the punishment of crimes, whereof the party shall be personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States, and each of the States described in the said resolve, of the 23d of April, 1784." The motion to commit pre-

vailed by a vote of eight States against four, but the resolutions were docketed by the secretary and were never enacted into law.*

There had been a number of discussions in Congress regarding the disposition of the western lands, and various measures had been suggested which were ultimately incorporated into the Ordinance of 1787, but no action was taken that indicated an agreement on the whole Ordinance until the spring of 1787. On April 23 of that year a committee of Congress, consisting of Nathan Dane, of Massachusetts; C. C. Pinckney, of South Carolina; Smith, of New York; Johnson, of Connecticut, and Henry, of Maryland, reported an "Ordinance for the Government of the Western Territory," which was read for a second time and amended on May 9.† Though the Massachusetts representatives called for a third reading on May 10, action was postponed and this Ordinance did not come up again, except to be referred to a new committee on July 9. About one third of it, however, with some modifications, is included in the Ordinance of 1787 as finally adopted.‡

The sudden halt in the consideration of this measure is attributed to

* Dunn, *Indiana*, p. 192 *et seq.*; King, *Ohio*, p. 179; Cooley, *Michigan*, pp. 126-127; Barrett, *Evolution of the Ordinance of 1787*, p. 28.

† Dunn, *Indiana*, p. 195. This draft of the Ordinance is given by W. F. Poole, in *North American Review*, vol. cxxii., pp. 242-244.

‡ For some of its provisions, see Dunn, *Indiana*, pp. 195-196.

* *Journals of Congress*, vol. ix., p. 153; McLaughlin, *The Confederation and the Constitution*, p. 117.

† Pickering, *Life of Pickering*, vol. i., p. 510.

the Ohio Company, which had been formed for the purpose of colonization in the western lands. Upon the close of the Revolutionary War in 1783, the soldiers and officers found themselves confronted with grim penury and began to look about for some peaceful occupation.* Even before the treaty of peace was signed, it was rumored that a movement was on foot to form a new state in the West. Writing to Hodgdon, Timothy Pickering says: "A new plan is in contemplation — no less than forming a new State west of the Ohio. Some of the principal officers of the army are heartily engaged in it. About a week since the matter was set on foot and a plan is digesting for the purpose. Enclosed is a rough draft of some propositions respecting it, which are generally approved of. They are in the hands of General Huntington and General [Rufus] Putnam for consideration, amendment and addition." Pickering's propositions related to the establishment of a sort of brotherhood community of soldiers.†

In June, 1783, Putnam sent a memorial to Washington, who forwarded it to Congress, and similar memorials were sent directly to that body, but it was urged that the title

to western lands was too unsettled for any definite action, and in October 29 of that year Congress formally gave notice that for the time being it could make no provision for the soldiers.* In 1785 Putnam was elected surveyor for Massachusetts, under the land ordinance, but, as he was unable to serve, General Benjamin Tupper was temporarily appointed to the position.† In the summer of that year Tupper set out for the West, but upon reaching Pittsburg learned that the Indians were on the warpath and proceeded no farther. The Shawanese were the principal objectors to the advance of the whites. By the treaty of Fort Stanwix, October 22, 1784, the Iroquois surrendered all claims to lands northwest of the Ohio, but the western tribes disputed that the Iroquois had title there. By the treaty of Fort McIntosh, January 21, 1785, a part of the Chippewas, Wyandots, Ottawas and Delawares ceded more than half of Ohio, and in the latter part of 1785, General Samuel Holden Parsons joined George Rogers Clark and Colonel Richard Butler in an endeavor to bring the Shawanese to terms. Though the Indians were reluctant to surrender their old towns, the commissioners pointed out to them that they held their territory only by the sufferance of the tribes which had already ceded, and

* Roosevelt, *Winning of the West*, vol. iii., p. 254.

† Dunn, *Indiana*, pp. 196-197. The propositions are given in full in Pickering, *Life of Pickering*, vol. i., pp. 546-549. See also Rowena Buell, *Memoirs of Rufus Putnam*, p. 215; W. P. & J. P. Cutler, *Life, Journals and Correspondence of Rev. Manasseh Cutler*, vol. i., pp. 159-174.

* Dunn, p. 197.

† *Journals of Congress*, vol. iv., pp. 527-547.

that unless they relinquished the territory, war would be declared against them. On January 31, 1786, therefore, they signed a treaty at Fort Finney, at the mouth of the Great Miami, surrendering their territory, and with the consent of the Wyandots and Delawares, were given a tract of land running from the northern part of the Great Miami to the Wabash.*

Meanwhile, so favorably impressed was Tupper with his view of the West, that upon his return to Massachusetts he determined to organize a band of emigrants in the New England States, for colonizing in the West; and in January, 1786, he and Putnam formed an association for that purpose called the Ohio Company. A meeting of Massachusetts men was held at Boston in March, and a plan devised for raising a fund of \$1,000,000, in continental certificates, the funds to be applied to the purchase and settlement of lands in the western territory. This fund was to be divided into 1,000 shares of \$1,000 each; every lot of 20 shares was to constitute a division which was to choose an agent, and the latter were to elect directors and a treasurer. Considering the prevailing financial conditions, subscriptions came in rapidly, and on March 8, 1787, a meeting of agents was held, at which Putnam, Parsons, and Manasseh Cutler were made directors. These men were

chosen to go before Congress for the purpose of obtaining the right to purchase the lands.*

By the time Cutler reached New York, the memorial of the Ohio Company had already been drawn up by Parsons and presented to Congress (May 9). It was a most opportune time, as the Ordinance for the Government of the Territory Northwest of the Ohio was then under consideration by Congress. The memorial drawn up by Parsons asked that "a Tract of Country within the Western Territory of the United States at some convenient Place may be granted them at a reasonable Price, upon their paying a Sum not exceeding One Million of Dollars, nor less than Five Hundred Thousand Dollars, and that Such of the Associators as by the Resolutions of Congress are entitled to receive their Lands for their military Services, may have their Lands assigned them within the aforesaid Grant."† While this memorial contained no objection to the Ordinance then before Congress, it is reasonable to suppose that it exerted a great influence in stopping action on it, and resulted in the introduction of a new draft. Because of the financial needs of the country, the plan greatly appealed to Congress, as by this one transaction there was a

* Dunn, *Indiana*, p. 198; King, *Ohio*, pp. 174-175.

* McMaster, *United States*, vol. i., pp. 504-507; Dunn, *Indiana*, p. 199; King, *Ohio*, p. 195. For the Articles of Agreement, see Cutler, *Cutler*, vol. i., pp. 181-184.

† Dunn, *Indiana*, pp. 199-200.

prospect of materially reducing the public debt.*

But a quorum was lacking in Congress, and none could be obtained from May 12 until July 4, and Parsons therefore decided to return home, turning over the actual negotiation to his co-director, Manasseh Cutler. Cutler arrived at New York on July 5, and on the following day, as a quorum was present in Congress, made a new proposal for the purchase, which the same day went to the old committee on Parsons' memorial. On the 9th the report on the Ordinance was sent to a new committee consisting of Dane, Smith, of New York; Carrington and Richard Henry Lee, of Virginia, and Kean, of South Carolina, and it was determined to push this to a conclusion before considering the matter of the sale. The committee reported on the 11th, and having been made a special order of business the report was read and amended on the 12th. On the 13th it was advanced to the third reading and passed, Abraham Yates, Jr., whom Roosevelt calls a "nobody from New York," registering the only vote against it.†

Cutler now experienced much difficulty in obtaining the terms he desired, which were chiefly "three shillings, six pence, Continental money,

or one-twelfth of a dollar coin, per acre, for the tract, with sections 8, 11, and 26 of each township to be reserved by Congress for future sale, section 16 to be donated for school land, section 29 to be donated for religious purposes, and two entire townships to be donated for a university." * On July 19 Congress came to the conclusion that the lowest price acceptable per acre for the land was a dollar in specie, or Continental money on a specie basis, but a discount of 33 1-3 per cent. was allowed for bad lands, expenses, etc. No allowance was made, however, for a university or for religious purposes. Cutler refused these terms, but at the instigation of Colonel William Duer, and the urging of Winthrop Sargent, secretly consented to take in another company, and to buy lands as its agent, though apparently for his own company. Thenceforth Duer and Sargent took an active interest. Impetus was added when it became known that Arthur St. Clair, then President of Congress, desired to become governor of the new territory. Cutler consented to this arrangement, being satisfied if Parsons became first judge and Sargent secretary of the territory.‡ The negotiations were now rapidly pushed, all the friends of the sale contributing their share, and

* *Ibid.*, p. 201.

† *Ibid.*, pp. 203-204, 215. On the debate, see Bancroft, vol. vi., pp. 227-291; McMaster, vol. i., pp. 507-508; Roosevelt, *Winning of the West*, vol. iii., pp. 256-257.

* Dunn, p. 216.

† King, *Ohio*, pp. 196-197.

‡ As to whether this had any effect on St. Clair, see the conflicting statements in *North American Review*, vol. cxxii., p. 229, and *Magazine of Western History*, vol. i., p. 49.

on the 27th of July the bill passed, making the reservations for university and religious purposes for which Cutler had stipulated.* The contract was formally signed October 27, 1787, by the treasury board, and by Cutler and Sargent as agents for the Ohio Company.† According to the entry in Cutler's *Journal*, the company obtained "the grant of near five million of acres of land, amounting to three million and a half of dollars; one million and a half of acres for the Ohio Company, and the remainder for a private speculation, in which many of the principal characters of America are concerned.‡ Without connecting this speculation, similar terms and advantages could not have been obtained for the Ohio company."|| Putnam was made superintendent and the company was given immediate possession. In the spring of 1788 two parties of settlers (including surveyors, boat-builders, smiths, carpenters, farmers and laborers, 48 in all) left for the West, one by water and the other by land, and on April 7 a little town was es-

tablished on the site of the present city of Marietta, which name was given it at the first meeting of the directors, July 2, in honor of Marie Antoinette.* "No colony in America was ever settled under such favorable auspices," said Washington. "Information, property and strength will be its characteristics."†

As the Ordinance of 1787 constituted the basis of the territorial governments provided by Congress, and as its principles lie at the foundation of the civil polity of a considerable portion of the country,‡ we will give its provisions somewhat at large.|| For the present the territory was to be one district, but could be divided into two, whenever Congress should

* Roosevelt, *Winning of the West*, vol. iii., p. 265; King, *Ohio*, pp. 197-198; McMaster, *United States*, vol. i., pp. 508-515.

† Ford's ed. of Washington's *Writings*, vol. xi., p. 282.

‡ Daniel Webster said: "I doubt whether one single law of any law-giver, ancient or modern, has produced effects of more distinct, marked and lasting character than the Ordinance of 1787."

|| Pitkin, vol. ii., pp. 210-213; McLaughlin, *The Confederation and the Constitution*, p. 120 *et seq.*; Curtis, *History of the Constitution*, vol. i., pp. 302-306 (*Constitutional History*, vol. i., p. 203 *et seq.*); Poore, *Federal and State Constitutions*, pt. i., pp. 429-432; *United States Statutes-at-Large* (ed. 1845), pp. 50-51; Story, *Exposition of the Constitution*, pp. 329-337; Preston, *Documents Relating to American History*, pp. 241-250; MacDonald, *Select Documents*, pp. 22-29; Hough, *American Constitutions*, vol. ii., pp. 144-148; Thorpe, *Federal and State Constitutions*, vol. ii., pp. 957-962; Andrews, *Manual of the Constitution*, app. xiii.; Donaldson, *Public Domain*, pp. 153-156; Duer, *Constitutional Independence*, pp. 512-520; Clusky, *Political Text-Book*, pp. 469-472; *St. Clair Papers*, vol. ii., p. 612; Albach, *Annals of the West*, p. 466. See also Appendix I. at the end of the present chapter.

* Dunn, *Indiana*, pp. 217-218.

† King, *Ohio*, p. 197.

‡ According to McMaster, this was probably the Scioto Company.

|| Extracts from Cutler's *Journal* were published in *North American Review*, vol. iii., p. 520, and in *Annals of the West*, p. 308 *et seq.* See also Cutler, *Life, Journals and Correspondence of Manasseh Cutler* (1888); John M. Merriam, *The Legislative History of the Ordinance of 1787*, in *Proceedings of the American Antiquarian Society*, n. s. vol. v., p. 303; William F. Poole, *Dr. Cutler and the Ordinance of 1787*, in *North American Review*, vol. cxxii., pp. 229-265.

deem wise. The Ordinance provided that until the free male inhabitants, of full age, in the district, should number five thousand, the legislative, executive, and judicial power should be vested in a governor and three judges, who, with a secretary, were to be appointed by Congress. The governor was to hold office three years, and the judges during good behavior. The governors and judges were given the power to adopt and publish such laws of the original States as might be necessary or suitable to the affairs of the district, and to report them to Congress, these laws to be enforced unless disapproved by that body. The governor had power to divide the territory into districts or townships, and to appoint all civil officers. As soon as the free male inhabitants should number five thousand, an assembly, consisting of the governor, a legislative council, and a house of representatives, was to be instituted. The representatives were to be chosen, for a period of two years, from the counties or townships, one for every five hundred free male inhabitants, until they should number twenty-five, after which time the legislature should regulate the number. These representatives must have been residents of the United States for three years, residents of the districts from which they were elected or have resided three years in the district. In either case they must possess in fee simple two hundred acres of land in the district. The

electors must reside in the district, be citizens of one of the States, and have a freehold of fifty acres of land in the district, or a like freehold and two years' residence.

The legislative council was to be composed of five persons, chosen for a term of five years, subject to removal by Congress. The method of choosing them was as follows: ten persons, who were the possessors of a freehold in five hundred acres of land, were to be nominated by the house of representatives, and out of this number Congress was to choose five who should constitute the council. All laws for the government of the district were to be made by the general assembly, but none were to be enacted contrary to the provisions of the Ordinance; and before these enactments could become law they must have had the sanction of a majority of both houses and the assent of the governor. The legislative assembly, by joint ballot, was to elect a delegate to Congress who should have the privilege of debating, but not of voting.

At the same time Congress established certain articles which were to be considered as articles of compact between the people in the new territory and the original States, and which could not be altered except by the common consent of all. Religious liberty was established and all were entitled to the benefits of the writ of habeas corpus, trial by jury, and other fundamental rights. Education was to be encouraged and good faith

observed toward the Indians; lands and property were not to be taken from them without their consent. Such States as might be formed from the territory (not less than three nor more than five) were forever to remain a part of the American Confederacy.* While the boundaries of these States were fixed, Congress reserved the right to alter them by forming one or two new States in that part of the territory lying north of a line drawn east and west through the southern bend or extreme of Lake Michigan. Whenever one of these States should contain 60,000 free inhabitants, such State was to be admitted to the Union on an equal footing with the old States in every respect. At that time such State was to adopt a constitution and form a government of a republican nature and in strict conformity with the Articles of Confederation. If, however, the Confederation should deem it wise at any time to admit a State with less than 60,000 free inhabitants, this could be done, if not inconsistent with the general interests of all the States. Slavery and involuntary servitude were prohibited except in the punishment of crime of which the party should have been duly convicted.† But it was provided that fugitive slaves owned in other States might be extradited and taken back

to the owners.* In speaking of this subject, Curtis makes the following remarks:

"American legislation has never achieved any thing more admirable, as an internal government, than this comprehensive scheme. Its provisions concerning the distribution of property, the principles of civil and religious liberty which it laid at the foundation of the communities since established under its sway, and the efficient and simple organization by which it created the first machinery of civil society, are worthy of all the praise that has ever attended it. It was not a plan devised in the closet, upon theoretical principles of abstract fitness. It was a constitution of government, drawn by men who understood, from experience, the practical working of the principles which they undertook to embody. Those principles were, it is true, to be applied to a state of society not then formed; but they were taken from states of society, in which they had been tried with success." †

* Mr. President King, in February, 1855, printed in the *New York Daily Tribune*, a chapter from his *Life and Correspondence of Rufus King*. In this chapter the question is fully and lucidly discussed respecting the authorship of the celebrated Ordinance of 1787. For an extract from this paper, see Appendix II. at the end of the present chapter. See also Dane, *Abridgement of American Law* (ed. 1824), vol. vii., p. 389; (1830), vol. ix., app., pp. 74-76; F. D. Stone, *The Ordinance of 1787*, in *Pennsylvania Magazine of History and Biography* (1889); John M. Merriam, *The Legislative History of the Ordinance of 1787*, in *Proceedings of the American Antiquarian Society*; Dunn, *Indiana*, pp. 177-178, 204-215 and authorities cited; *Life, Journal and Correspondence of Rev. Mannasseh Cutler, LL.D.*, vol. ii., pp. 367-368; Edward Coles, *History of the Ordinance of 1787*; J. A. Barrett, *The Evolution of the Ordinance of 1787*, in *University of Nebraska Seminary Papers*; Hinsdale, *The Old Northwest*, chap. xv.; Israel W. Andrews, *The Northwest Territory*, in *Magazine of American History*, vol. xvi., pp. 133-147. Many claim that "the authorship of the Ordinance of 1787, and its passage through the old Congress, are the indisputable work, both in its conception and consummation, of the South." For this view see Benton, *Thirty Years' View*, vol. i., pp. 133-136.

† Curtis, *Constitutional History*, vol. i., p. 206.

* Cooley, *Michigan*, pp. 128-129.

† On the importance of this slavery proviso see Dunn, *Indiana*, pp. 219-260.

It was not until October 5, 1787, that Congress elected Arthur St. Clair governor of the territory, with the capital at Marietta, now in the State of Ohio. The territory then began to grow and received large acquisitions of settlers from the Eastern States.*

While the territory north of the Ohio was thus making rapid progress, the country south of this river was in the throes of civil strife. In chapter v., of the *Revolutionary Era*, we have seen that the Watauga Association had been formed, but for purposes of lucidity we shall give a short review of the circumstances. In 1770 James Robertson, with a party of pioneers, entered Boone's country and made a settlement on the Watauga, a head-water of the Tennessee river. In 1772 he was joined by John Sevier, and as the settlement was isolated from the rest of the world, the settlers proceeded to form a government of their own.† This association, called the Watauga Association, continued to exist until 1776 when it was incorporated in the government of North Carolina as the District of Washington.‡ Settlers continued to pour into the region, and before the

end of the Revolution numerous permanent settlements had been made beyond the mountains, all possessing a certain amount of self-government.

North Carolina owned a large tract of land, comprising nearly 29,000,000 acres, lying beyond the western foothills of the Blue Ridge Mountains, and stretching past the Tennessee to the Mississippi. It had been settled about 1758, and in 1784 nearly 10,000 persons were living in the region lying between the Holston, the Cumberland and the hills.* In June, 1784, the North Carolina Legislature passed a bill ceding this land—that is, all of what is now Tennessee—to the government, allowing two years for the acceptance of the grant, during which time the authority of North Carolina was to be supreme.† Shortly afterward (August 23), delegates from Washington, Greene, and Sullivan counties met at Jonesboro, for the purpose of discussing the affairs of their section; and it was resolved that the three counties

* For details, see Moore, *The Northwest under Three Flags*, pp. 327-344, and authorities cited; Dunn, *Indiana*, p. 263 *et seq.*

† J. G. Ramsey, *Annals of Tennessee to the End of the Eighteenth Century*, chap. ii.; John Haywood, *Civil and Political History of Tennessee* (ed. of 1823), p. 41.

‡ See Roosevelt, *Winning of the West*, vol. i., chap. vii.

* Albach, *Western Annals*, p. 507. For a history of the progress of the Holston and Cumberland settlements, see Roosevelt, *Winning of the West*, vol. ii., chaps. x.-xii. North Carolina considered these settlers "off-scourings of the earth" and "fugitives from justice." See George H. Alden, *The State of Franklin*, in *American Historical Review*, vol. viii., p. 277. For a description of the early Indian warfare, see J. R. Gilmore, *Advance-Guard of Western Civilization*, chaps. i.-iv.

† See Hawkins' letter in Sparks, *Correspondence of the Revolution*, vol. iv., pp. 69-71; Phelan, *History of Tennessee*, p. 69; McMaster, *United States*, vol. i., pp. 155-156; Walker Kennedy, in *The South in the Building of the Nation*, vol. ii., p. 474.

should be formed into a State, that the laws should follow those of North Carolina, and that a petition should be sent to Congress, advising the acceptance of the cession, and asking admission for the new State.* An address to the people was then issued, asking their support and coöperation. It was now decided to hold elections for five delegates from each county, who should meet at Jonesboro, September 16, for the purpose of framing a constitution and naming the new State, but it was not until late in November that the fifteen delegates met, and then only to separate in anger.† The North Carolina Legislature thereupon repealed the bill of cession, and established a supreme court at Jonesboro, granting also certain rights for which the western settlers had long been contending.

At this time John Sevier had become a leader among the inhabitants

* Ramsey, *Annals of Tennessee*, pp. 287-288; Roosevelt, *Winning of the West*, vol. iii., pp. 155-157; Phelan, *History of Tennessee*, p. 71 *et seq.*; Fiske, *Critical Period*, pp. 199-201. "If we should be so happy," they said, "as to have a separate government, vast numbers from different quarters, with a little encouragement from the public, would fill up our frontier, which would strengthen us, improve agriculture, perfect manufactures, encourage literature and every thing truly laudable. The seat of government being among ourselves, would evidently tend, not only to keep a circulating medium in gold and silver among us, but draw it from many individuals living in other states, who claim large quantities of lands that would lie in the bounds of the new state."— Ramsey, pp. 288-289.

† McMaster, *United States*, vol. i., p. 160; Roosevelt, *Winning of the West*, vol. iii., pp. 158-159.

of the section, and had been one of the first to advocate the formation of a new State, but when North Carolina redressed the grievances of the western settlers, he advocated that they remain firm and faithful to the laws of North Carolina. The members, however, rejected his advice, opened the convention and elected Sevier president.* On May 23, 1785, Congress asked North Carolina to reconsider her act of the previous November and once more to cede the lands, but the State refused, being too intent on bringing her rebellious citizens to terms.† When the westerners heard of the resolution of Congress, they expressed much surprise, for they said that inasmuch as North Carolina had given them away and the gift had been refused, they were now absolutely independent. Early in 1785, therefore, they had called a convention, had given the State the name of Franklin, had framed a constitution, which was submitted to the people for approval, and had elected a legislature which was actually in session before Congress passed the resolution asking North Carolina again to cede the lands. This legislature had met at

* Phelan, *History of Tennessee*, chap. x.; Roosevelt, p. 159.

† Governor Alexander Martin issued a manifesto to the inhabitants of Franklin at the end of which he said: "North Carolina's resources are not yet so exhausted or her spirits damped, but she may take satisfaction for this great injury received, regain her government over the revolted territory, or render it not worth possessing."— Phelan, *History of Tennessee*, p. 81.

Jonesboro, enacted many laws, and had adjourned on March 31. It had also been decided that, as much time must necessarily elapse before the constitution could become known to all, a third convention should not be held to ratify the constitution until November 14, at which time the delegates were to assemble at Greeneville.*

Two governments now existed in the territory, each with its courts, justices, sheriffs, state officials and militia, and each enacting laws and levying taxes. Sevier's followers endeavored to hold court at Jonesboro, but the rival officials broke up the court and seized its papers. Sevier retaliated by committing the same act upon a judge sitting under the authority of North Carolina, and thus the battle was waged back and forth for some time.† But an outbreak of war with the Cherokees, Chippewas, Twightwees, Tawas, Shawanese and Pottawattamies put an end to local animosities for the time being, and all energies were expended in protecting the frontier. Sevier organized a band of 160 horsemen, and, crossing over the Unaka Mountains to the Hiwassee, attacked and burned three Indian villages, killing fifteen Indians. However, as there were supposed to be

about 1,000 braves on the warpath, it was decided expedient to return to the settlement.*

Efforts were now made to settle the dispute between the two commonwealths, the offer of compromise coming first from Franklin and then from North Carolina. It was finally agreed that public business was to be carried on by the authorities of the two States acting in conjunction, until the differences could be properly and amicably adjusted. Sevier served throughout his term of office which expired in March, 1788, and as no successor was elected the State of Franklin, after three years of fitful life, passed out of existence.‡ In 1790 the government accepted from North Carolina (the act being approved April 2, 1790) the cession of Tennessee,‡ and the latter became part of the Territory of the United States South of the River Ohio, remaining in this status until admitted to the Union in 1796.||

* Roosevelt, *Winning of the West*, vol. iii., pp. 177 *et seq.*, 189; McMaster, *United States*, vol. i., pp. 384-385. On the various Indian campaigns, see Gilmore, *Advance-Guard of Western Civilization*, chap. vi.

† Phelan, *History of Tennessee*, pp. 93-100. For other details see F. J. Turner, *Western State-Making in the Revolutionary Era*, in *American Historical Review*, vol. i., pp. 258-261; George H. Alden, *The State of Franklin*, in *American Historical Review*, vol. viii., pp. 271-289; J. R. Gilmore, *John Sevier as a Commonwealth Builder*; Roosevelt, *Winning of the West*, vol. iii., pp. 180-183.

‡ The act of cession will be found in Thorpe, *Federal and State Constitutions*, vol. vi., pp. 3409-3413.

|| See Walker Kennedy, in *The South in the*

* McMaster, *United States*, vol. i., pp. 262-265; Roosevelt, *Winning of the West*, vol. iii., p. 166 *et seq.*

† Phelan, *History of Tennessee*, pp. 87-88; Roosevelt, p. 170; Ramsey, *Annals of Tennessee*, pp. 339-340; Haywood, *History of Tennessee*.

The Kentuckians were also becoming restless, especially as the Indians were committing depredations on the southern borders,* and the community had no means of organized defence. Benjamin Logan, a colonel in the militia, therefore called a meeting of citizens at Danville to deliberate upon a plan for defence. The opinion prevailed at this meeting that the citizens could not legally carry on a campaign against the Indians, nor even call out the militia, no matter how great the danger. There was no authority even to provide ammunition for the use of the militia.† It was therefore decided that delegates should be chosen to meet at Danville, December 24, 1784, for the purpose of drafting an appeal to Virginia for permission to form a new State.‡ This convention resolved "that many inconveniences under which they labored might be remedied by the legislature of Virginia, but that the great and substantial evils to which they were subjected were beyond the power and control of the government, *namely*, from their remote and detached situation, and would never be remedied until the district had a government of its

own." It was then decided to hold another convention, May 3, 1785,* and on that date the second convention met at Danville, then resolving "First—That a petition be presented to the Legislative Assembly, praying that this district be established into a state separate from Virginia; second—That another convention of representatives be elected to meet at Danville on the second Monday in August, to take further under consideration the state of the district; third—That this convention recommend that an election of deputies for the proposed assembly be on the principles of equal representation on the basis of population." †

A third convention was held on August 14, 1785, and a petition sent to the Virginia Assembly,‡ which brought forth some results in June, 1786, when an act was passed authorizing the separation. But annexed to the proposition were certain conditions relating to boundary, the proportion of the public debt to be assumed by Kentucky, the navigation of the Ohio, etc., which the Kentuckians would not accept. It was furthermore provided that a fourth convention should be held at which the will of the people should be freely expressed, either for or against sepa-

Building of the Nation, vol. ii., pp. 475-479; Phelan, *History of Tennessee*, p. 146 *et seq.*

* For details, see Roosevelt, *Winning of the West*, vol. iii., p. 206 *et seq.*

† Gilmore, *Advance-Guard of Western Civilization*, pp. 126-127; Roosevelt, vol. iii., pp. 217-218.

‡ Marshall, *History of Kentucky*, p. 190; *The South in the Building of the Nation*, vol. i., pp. 254-255.

* *Ibid*, vol. i., pp. 255-256.

† *Ibid*, vol. i., p. 256. See also Roosevelt, *Winning of the West*, vol. iii., pp. 219-220.

‡ Madison's *Works* (Congress ed.), vol. i., pp. 207-208.

ration, and that the Federal Congress should in advance consent to admit the new State into the Union.* This act, however, was repealed because of a memorial addressed to the Virginia Assembly by some of the members of the fourth convention and it was not until several years later and until after five other conventions had met that the work of separation was consummated.†

In 1786 the Indian war broke out with increased fury, and an expedition of 1,000 men under George Rogers Clark was sent against the Indians. The expedition was poorly managed, however, and ended in failure. Starting from the falls of the Ohio, the troops marched by land to Vincennes, where for several days they awaited the arrival of the rations and powder which had been sent by water. But half the provisions had been destroyed on the voyage, and the troops were forced to live on short rations, which caused much discontent among them.‡ To add to their discontent, Clark foolishly threw away all chance

of surprising the Indians by sending ahead runners to offer the Indians peace or war. This was the last straw, and 300 of the troops refused to proceed farther, saddled their horses, and, ignoring the entreaties of Clark, started homeward. Thus weakened, the others were left in dire straits; and, fearing surprise by the Indians, they resolved to follow the footsteps of their friends. The promising expedition was therefore turned into a disgraceful retreat, and the troops took the nearest and quickest routes to their homes.*

There was something to offset this calamity, however. Colonel Benjamin Logan, with a body of 500 mounted riflemen, had crossed the Ohio where Maysville now stands, penetrated the Indian territory to the head of the Mad River, burned several towns, devastated many hundreds of cornfields, killed 20 horses, and with 80 prisoners returned to Kentucky, sustaining a loss of only 10 men.†

Shortly after the sale of the Ohio Company, Congress offered to sell to the Miami Company, the chief personage in which was John Cleves Symmes, of New Jersey, a tract of 2,000,000 acres, situate between the Little and the Great Miamis. On

* Shaler, *Kentucky*, p. 97; *The South in the Building of the Nation*, vol. i., pp. 256-257; Roosevelt, p. 221 *et seq.*

† For details, see Shaler, *Kentucky*, p. 97 *et seq.* On the early history of Kentucky, see also W. B. Allen, *History of Kentucky* (1872); John Bradford, *Notes on Kentucky*, in *Kentucky Gazette* (Lexington, 1826-29); Mann Butler, *History of the Commonwealth of Kentucky* (1834); Lewis Collins, *Historical Sketches of Kentucky* (1847); Humphrey Marshall, *History of Kentucky* (1812); John A. McClurg, *Sketches of Western Adventure* (1832); J. F. Smith, *History of Kentucky* (1886); the publications of the Filson Club (1884 to date).

‡ Dunn, *Indiana*, pp. 163-164.

* Roosevelt, *Winning of the West*, vol. iii., pp. 77-84; Marshall, *History of Kentucky*, vol. i., pp. 248-249; Dillon, *History of Indiana*, pp. 201-202; Dunn, *Indiana*, p. 164; Albach, *Western Annals*; Butler, *History of Kentucky*, p. 153.

† Dunn, *Indiana*, p. 164; McMaster, *United States*, vol. i., p. 388.

May 15, 1788, the contract was signed and Symmes immediately offered his land for sale.* Matthias Denman purchased a large tract, opposite the mouth of the Licking, on which now stands the city of Cincinnati, but soon resold one third to Robert Patterson, and one third to John Filson, retaining the other third himself. The three then set out for the West and prepared to lay out a town directly opposite the spot where the Licking and Ohio rivers meet. It was agreed that they should lay out a town and establish a ferry there, and that "every institution, determination and regulation concerning it should be the result of the united advice and concert of the parties."† Filson called the new town Losantiville, but did not live long enough to see it grow, as a few weeks later he was found to be missing and was probably scalped by the Indians, though his actual fate still remains a mystery. Patterson did not arrive at the settlement until the last of December, and then the streets were marked out and the first huts erected.‡ Israel Ludlow, chief surveyor of the Miami Associates, by arrangement with Symmes, Denman and Patterson, acquired Filson's interest and became the surveyor and the principal agent in the town affair. Denman returned to New Jersey, but Patterson and Ludlow, with a party

of 12 surveyors and assistants, returned to Losantiville, starting December 24, 1788. From the time of their arrival at their destination is supposed to date the founding of Cincinnati.* The exact date of the settlement, however, has baffled research and it has been noted as a curious fact that "the date of the settlement of Cincinnati is unknown, though we have the testimony of the very man who made it."† "Ludlow laid out a village with the present Central Avenue and Broadway, about three quarters of a mile apart, for east and west boundaries, and Seventh Street, about as far from the river for northern, blazing the street lines on the trees. Three or four log cabins were built and the flooding out of several Ohio River town sites about this time left Cincinnati the sole survivor."‡ The name of the city was not changed from Losantiville to Cincinnati until January, 1790, when St. Clair established Hamilton County.

Emigration to the West now became the rage and the Ohio Company were remarkably successful in inducing the New Englanders to migrate; so much so, in fact, that bitter complaints were made by the East, and

* King, *Ohio*, pp. 203-206.

† *Ibid.*, p. 209.

‡ McMaster, *United States*, vol. 1., pp. 515-517.

* King, *Ohio*, pp. 211-212. See also Ford, *History of Cincinnati and Hamilton County* (1880); Miller, *Cincinnati's Beginnings* (1880).

† Perkins, *Annals of the West*.

‡ Judson Harmon, *Cincinnati*, in *Encyclopædia Americana*, vol. iv. See also King, *Ohio*, pp. 212-213.

the scheme was denounced as an attempt to drain the latter section of its best blood.

But a still more serious loss threatened the whole country. The settlers in the western portion of North Carolina, now Tennessee, and the settlers in western Virginia, now Kentucky, had become discontented because of the treatment accorded them by the State and National governments, and it was feared that they would quit the Confederation, form a new republic and ally themselves with Spain.* Some of the settlers believed that, by a show of force, they could compel Spain to grant the free use of the Mississippi, while at the same time they could still continue under the authority of Congress.† General James Wilkinson, one of the most despicable characters in all our history, was one of these, and the weight of his influence added popularity to the scheme. He determined to open the navigation of the Mississippi, and, to test the Spanish temper, dispatched a cargo down the river which was seized at New Orleans. Miro, the governor of Louisiana, was informed that the owner of the cargo, Wilkinson, was very popular; that he had great influence over the Kentuckians; and that, if his property were confiscated, he would arouse the whole country and descend upon

Louisiana with several thousand of the best shots in the valley.*

Wilkinson then went to New Orleans, and by veiled threats confirmed the fears of Miro, who thereupon determined to bait Wilkinson with offers of free trade with New Orleans, in return for which Wilkinson was to use his influence to bring the Kentuckians to the side of Spain. The two struck a bargain and Wilkinson returned home.† Upon his arrival there he found John Connolly, the agent of Lord Dorchester (formerly Sir Guy Carleton), who had come to enlist the aid of the settlers on the side of Great Britain in a war with Spain, for the purpose of securing possession of Louisiana.‡ Wilkinson soon assured his guest, however, that the Americans hated the British and could never be brought to aid them in any undertaking, and Connolly thereupon de-

* Ogg, *Opening of the Mississippi*, pp. 441-442; McMaster, *United States*, vol. i., pp. 520-521; Phelps, *Louisiana*, pp. 156-157; Gilmore, *Advance-Guard of Western Civilization*, pp. 145-152.

† Gilmore, *Advance-Guard of Western Civilization*, pp. 153-159; Roosevelt, *Winning of the West*, vol. iii., p. 125; Phelps, *Louisiana*, p. 158; Ogg, *Opening of the Mississippi*, p. 442.

‡ See the letter of Arthur St. Clair to John Jay December 13, 1788, in W. H. Smith, *St. Clair Papers*, vol. ii., p. 101. See also Roosevelt, *Winning of the West*, vol. iii., p. 129. It must not be forgotten that Louisiana at that time comprised the whole valley of the Mississippi from New Orleans to the present northern boundary of the United States, stretching as far west as Wyoming and Montana.

* Gilmore, *Advance-Guard of Western Civilization*, pp. 135-136.

† Phelps, *Louisiana*, p. 156.

parted for Detroit, completely frustrated in his design.* Wilkinson was now a popular idol, because of his success in opening the river and making a market for large quantities of tobacco and other produce which could not otherwise have been sold.† He now organized an expedition of 25 flat-boats laden with flour, bacon, tobacco, butter, hams and ammunition, and early in January set forth with an escort of 150 fighting men. Others followed his example, and dozens of flat boats filled with produce were sent to New Orleans, depleting the stock in Kentucky to such an extent that by spring the cost of

food in some localities had risen 60 per cent.*

But the question of the navigation of the Mississippi was by no means settled, for while Wilkinson's cargoes were treated considerably, those of the other traders met the same fate to which they had always been subjected. Miro's promise of protection applied only to Wilkinson, and not to the merchandise of other Westerners, and even Wilkinson's prerogatives after a while amounted to nothing. Within a year the trade conditions were the same as they had been before Wilkinson appeared on the scene.†

APPENDIX TO CHAPTER IV.

I. AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

Section 1. Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Sec. 2. Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and descendants of a deceased child or equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate

shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estate may be conveyed by

* McMaster, *United States*, vol. i., pp. 522-524.

† On Wilkinson's operations, see also Gayarré, *History of Louisiana*, vol. iii., chap. v.; Roosevelt, *Winning of the West*, vol. iii., pp. 123-152; Martin, *History of Louisiana*, vol. ii., pp. 91-110; Wilkinson's *Memoirs*.

* Phelps, *Louisiana*, p. 163.

† Gilmore, *Advance-Guard of Western Civilization*, p. 161.

lease and release, or bargain sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore preferred themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Sec. 3. Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in one thousand acres of land, while in the exercise of his office.

Sec. 4. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

Sec. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

Sec. 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Sec. 7. Previous to the organization of the general assembly the governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order of the same. After the general assembly shall be organized the powers and duties of the magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

Sec. 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into two counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

Sec. 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: Provided, That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: Provided, That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold his own right, in fee simple, two hundred acres of land within the same: Provided, also, That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

Sec. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

Sec. 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as member of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly when, in his opinion, it shall be expedient.

Sec. 12. The governor, judges, legislative council, secretary, and other such officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor

before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

Sec. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in the said territory; to provide also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

Sec. 14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I.

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

ARTICLE II.

The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of the judicial proceedings according to the course of common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unjust punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or to have

force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements, bona fide, and without fraud previously formed.

ARTICLE III.

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV.

The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district, or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well

to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line. The Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided, however, And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: Provided, The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ARTICLE VI.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall

have been duly convicted: Provided always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That

the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed, and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

II. LETTERS OF DANE AND KING REGARDING AUTHORSHIPS OF ORDINANCE OF 1787.

On the 15th of April, 1785, the day after the Grand Committee, of which Mr. King was a member, had reported to Congress the Ordinance locating and disposing of the public lands, which became a law on the 20th of May following:—Mr. King thus acknowledges Mr. Pickering's letter:

"NEW YORK, April 15, 1785.

"The best return in my power to make you for your ingenious communications on the mode of disposing of the Western Territory, is to inclose, for your examination, the form of an Ordinance, reported to Congress on the subject. . . . *I likewise inclose you the report on a motion for the exclusion of slavery from the new states.* Your ideas on this subject are so just, that it would be impossible to differ from them."

Of the report on the exclusion of slavery, here mentioned, no trace is to be found. It must refer, one would suppose, to the resolution submitted by Mr. King himself, on the 16th of March, and committed on that day; but no allusion in the journal, nor any other than thus casually in Mr. King's letter to Mr. Pickering, has been found.

But it is certain, that Mr. King did not abate of his zeal on the subject, and when, in November, 1785, Nathan Dane became one of his colleagues from Massachusetts, and a new Ordinance for governing the Western Territory came under the consideration of Congress, as has already been related, in September, 1786, and in varying shapes, occupied its attention, at times, through the residue of that year, and through the year 1787, until its final adoption, in July, of the last year, it is on the record of the journal, that Mr. King took constant and earnest part in its discussion. If, then, in the Ordinance, as finally adopted, shall be found embodied specific propositions made by Mr. King, and by him only; and if it shall appear, as now I am about to make it appear, that the authorship of the Ordinance was Mr. Dane's, and not Mr. Jefferson's, as has been so long claimed, and recently with emphatic and confident argument by Governor Coles, formerly of Illinois; the deduction would seem le-

gitimate and conclusive, that Mr. Dane, acting with his colleague, had accepted and embodied his suggestions in the Ordinance.

Let the chief of these suggestions be briefly set forth: First, the most important, is that prohibiting slavery. Mr. Jefferson's proviso was *prospective*; that of Mr. King, *immediate*; the proviso of the Ordinance of 1787 was *immediate*, and in the identical words offered by Mr. King, 16th March, 1785, except that his proviso reached to all the territory embraced in Mr. Jefferson's resolutions of April, 1784, while that of the Ordinance was restricted, necessarily, perhaps, to the precise territory which that Ordinance was framed to govern. In other respects, the language is identical, changing only the words, "shall have been personally guilty," as used by Mr. King, to "shall have been duly convicted," in the Ordinance. Mr. Dane nowhere appears on the record to have made any motion himself in Congress, on the subject of slavery, and, therefore, finding that of Mr. King in the journals, and having it urged upon his attention, doubtless, by Mr. King himself, he adopted it as his own.

Article III. of the fundamental articles, thus stipulated: "Religion, morality, and knowledge, being necessary to good government, and the happiness of mankind, schools, and the means of education, shall forever be encouraged."

Of this there is nothing in the Jefferson resolutions of April, 1784, but the extracts given from Mr. Pickering's letters, and the journals of Congress, during 1785-6, when the land ordinances were under discussion, show how perseveringly, and to a certain extent successfully, Mr. King labored to obtain, for the purposes of education and of religion, reserved townships in every range.

And last, and hardly perhaps second in importance to the first—the Proviso of Freedom—of a kin, indeed, with it, is that proviso, incalculable in its value as a bond of union; incalculable in its value to commercial intercourse, and to good neighborhood, which stipulates "that the navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the

same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the Confederacy, without any tax, impost, or duty therefor."

This, in the first instance, was due to the far-reaching and statesmanlike suggestions of Timothy Pickering, and was introduced into Congress by the joint agency of Virginia and Massachusetts; states which then stood, as, during the war, they had stood, shoulder to shoulder, on so many trying occasions. Mr. Pickering, in a letter to Rufus King, of 8th March, 1785, discussing the Ordinance then under the consideration of Congress, for regulating the Western Territory, thus sagaciously writes:

"Water communications in that country will always be in the highest degree interesting to the inhabitants. It seems very necessary to secure the freedom of navigating these, to all the inhabitants of all the states. I hope we shall have no Scheldts in this country."

So wise a suggestion was not lost upon his correspondent, and, accordingly, on the 12th of March, 1786, while the Ordinance "for ascertaining the mode of locating and disposing of the public lands in the Western Territory, was under consideration, Mr. Grayson, of Virginia, who, as the journals show, acted very frequently in concert with Mr. King, and who separated from his colleagues, and voted *aye* on Mr. King's Anti-Slavery proviso, on 16th March, of the same year, less than two months before, moved this resolution, which was seconded by Mr. King, and adopted:

"*Resolved*, That the navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the same be, and are hereby declared to be, common highways, and to be forever free, as well to the inhabitants of said Territory, as to the citizens of the United States, and those of any other state that may be admitted into the Confederation, without any tax, duty, or impost therefor."

This resolution without the change of a letter, is embodied in the Ordinance of 1787; and thus we see that the two important provisos; the one *against* slavery extension, and the other *for* the inviolable freedom to all American citizens, in all time, and exempt from all impost or taxation, of the great navigable waters of the Union, designed by God Himself as the highway of nations, originally proposed or promoted by Mr. King; were taken by Mr. Dane from the records of Congress, and introduced into his immortal Ordinance.

And now for the conclusive proof that this Ordinance was *his*—prepared and drafted by him, and accepted unanimously by Congress, almost without alteration. This proof is in the letter of which the annexed is a full, literal, and exact copy from the original, in my hands:

NEW YORK, July 16, 1787.

TO THE HON. RUFUS KING, Esq., Philadelphia:

DEAR SIR:—I am obliged to you, for yours of the 11th inst. With pleasure I communicate to you what we are doing in Congress; not so much from a consciousness, that what we do is well done, as from a desire that you may be acquainted with our proceedings. We have been much engaged in business for ten or twelve days past, for a part of which we have had eight states. There appears to be a disposition to do business, and the arrival of R. H. Lee is of considerable importance. I think his character serves, at least, in some degree, to check the effects of the evil habits, and lax mode of thinking of some of his countrymen. We have been employed about several objects, the principal of which have been the Government* inclosed, and the Ohio purchase; the former, you will see, is completed, and the latter will probably be completed to-morrow. We tried one day to patch up M . . . 's† system of W. government, started new ideas, and committed the whole to Carrington, Dane, R. H. Lee, Smith and Kean. We met several times, and at last agreed on some principles; at least Lee, Smith, and myself. We found ourselves rather pressed. The Ohio Company appeared to purchase a large tract of the federal lands—about six or seven millions of acres—and we wanted to abolish the old system, and get a better one for the government of the country, and we finally found it necessary to adopt the best system we could get. All agreed finally to the inclosed plan, except A. Yates. He appeared in this case, as in most others, not to understand the subject at all. I think the number of free inhabitants, sixty thousand, which are requisite for the admission of a new state into the Confederacy, is too small; but, having divided the whole Territory into three states, this number appears to me to be less important. Each state, in the common course of things, must become important, soon after it shall have that number of inhabitants. The Eastern state of the three, will probably be the first, and more important than the rest, and will no doubt

* The Ordinance of 1787, adopted on 13th July.

† These initials refer, possibly, to the plan proposed by Mr. Monroe.

be settled chiefly by Eastern people; and there is, I think, full an equal chance of its adopting Eastern politics. When I drew the Ordinance (which passed, a few words excepted, as I originally formed it,) I had no idea the states would agree to the sixth article, prohibiting slavery, as only Massachusetts, of the Eastern States, was present, and therefore omitted it in the draft; but, finding the House favorably disposed on this subject, after we had completed the other parts, I moved the article, which was agreed to without opposition. We are in a fair way to fix the terms of our Ohio sale, etc. We have been upon it three days steadily. The magnitude of the purchase makes us very cautious about the terms of it, and the security necessary to insure the performance of it. We have directed the Board to examine and report upon Holkar's affair.

Massachusetts Legislature was prorogued the 7th instant, having continued the Tender Act, as it is called, to January, 1788, and having passed no other act of importance, except what, I presume, you have seen respecting the raising of troops, and the power of the governor, to pursue the rebels, etc.* You ask me how I like my new colleagues. Sedgewick, you know, we all esteem; but I fear he will not make his attendance an object. Thatcher, I am quite unacquainted with. I do not know whether Mr. Otis, at this period of life, and under his misfortunes, will enter with vigor into federal politics. I wish his accounts with the Union had been settled, etc.

Nothing more worth particular notice.

Your affectionate friend,

N. DANE.

HON. R. KING.

P. S. States present: Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, and Georgia. Brother Holten is rather an invalid; is not able to take an active part in business; but I think supports pretty good Eastern politics.

This letter, now for the first time made public, was written, it will be seen, three days only after the passing of the famous Ordinance, before there was any controversy about it, and without consciousness, so far as the modest tenor of the whole letter can witness, of the priceless value of the Act thus perfected. The course of the preparation, discussion, and final adoption of the Ordinance, is

related with entire simplicity. No doubt, therefore, can now be entertained, that Mr. Dane did frame the Ordinance throughout; that it was he who directed the mode of presenting it to the House, and carrying it through all its stages.

Mr. Carrington, of Virginia, named first on the Committee, and, therefore, by usage, its chairman, did not, as appears by this letter, agree with the majority of the Committee, and, therefore, probably declined to report the Ordinance, devolving that duty on Mr. Dane, who stood next on the list, and who was in the majority. This explains, what heretofore has not been understood, how Mr. Dane, the second on the Committee, came to be its reporter; and the almost literal accuracy is hereby established of the account given by Daniel Webster, in his Oration against Hayne, on the Foot resolutions, in the United States Senate, in 1830, that this Ordinance "was drawn by Nathan Dane, and adopted by Congress, without the slightest alteration." "A few words excepted," says Mr. Dane, "and the Ordinance passed as I originally formed it."

Having thus established the conclusiveness of the claim of authorship of the Ordinance of 1787, for Nathan Dane, and shown that to Rufus King, and indirectly to Timothy Pickering, belongs the suggestion of the provisos contained in it *against* slavery, and *for* aids to religion and knowledge, and *for* assuring forever the common use, without charge, of the great national highways of the Mississippi, the St. Lawrence, and their tributaries, and their carrying places, to all the citizens of the United States; and having, at the same time, by spreading *in extenso* before the readers of this chapter, both the resolution of Mr. Jefferson, of April, 1784, and the Ordinance of 1787, put it within their reach, to compare these instruments, and thus ascertain how much of one is borrowed from, or is suggested by the other; it may be said, in conclusion, that in endeavoring to assign to each of the prominent actors in this great scene his due merit and responsibility, no desire has been felt nor, it is hoped, manifested, even unconsciously, of magnifying any one at the expense of others. Enough of enduring reputation for each and all, must forever honor the names of Dane, and Jefferson, and Pickering, and King, for the part taken by each in the long, laborious, and eventful struggle, which had so glorious a consummation in the Ordinance, consecrating forever, by one imprescriptible and unchangeable muni-ment, the very heart of our land to Freedom, Knowledge and Union.

* Refers to Shays's rebellion.

CHAPTER V.

1783-1787.

THE WEAKNESS OF THE CONFEDERATION.

The powers of Congress — Its recommendations treated with contempt — Small attendance of members — Washington's interest — Suggestions for amending Articles of Confederation — Boundary dispute between Virginia and Maryland — The Alexandria convention — The Annapolis convention — Federal Convention suggested — Delegates appointed by various States — The resolution of Congress for a convention — Shays' Rebellion hastens action. Appendix to Chapter V.— I. Hannis Taylor on Peletiah Webster's Plan of Government. II. Webster's *Dissertation on the Political Union and Constitution of the Thirteen United States of North America*.

Such in brief and in general were the conditions when America became independent of the mother country. Washington and the other statesmen of the period, however, were anxiously looking forward into the future, and many a dark foreboding filled their minds. They regarded the unhappy state of affairs as of the greatest concern to the entire country,* for at the time there was practically no government, and what little survived was totally inefficient. Nationality was practically unknown; disputes between the States and jealousies between the members of Congress were prevalent. Jefferson says: "Our body was little numerous, but very contentious. Day after day was wasted on the most unimportant questions."† The small States were very suspicious

and jealous of the power of the larger States, while on the other hand the larger States were not disposed to allow the small States any advantages which might accrue because of proximity to and commercial relations with them. The jealousies between the large and small States were not calculated to arouse any feeling of nationality in the country, for the larger States had no desire to witness a condition of affairs where the small States would have the same influence in the councils of the nation as they themselves.* It had become a question whether there was to be any country at all; whether the colonies were to be one nation or thirteen separate municipalities;

* See Washington's letters of March 31, 1783, to Hamilton, Washington's *Writings*, vol. viii., p. 409 (Sparks' ed.), April 5, 1783, to LaFayette, *ibid.*, p. 411, his address to the States June 5, 1783, *ibid.*, p. 439.

† Ford's ed. of Jefferson's *Writings*, vol. i., p. 81.

* In the early days of the Constitutional Convention, however, Madison said that "the States were divided into different interests, not by their difference of size, but by other circumstances; the most material of which resulted partly from climate, but principally from the effects of their having or not having slaves. These two causes concurred in forming the great division of interests in the United States. It did not lie between the large and small States. It lay between the Northern and Southern."—Gay, *Life of Madison*, p. 79.

whether there was to be union, efficiency, and energy at home, which in turn would bring respect and confidence abroad,* and whether there was to be a national government, a national character, and national integrity and honor. John Quincy Adams says:

"A Confederation is not a country. There is no magnet of attraction in any league of Sovereign and Independent States which causes the heart-strings of the individual man to vibrate in unison with those of his neighbor. Confederates are not Countrymen, as the tie of affinity by convention can never be so close as the tie of kindred by blood. The Confederation of the North American States was an experiment of inestimable value, even by its failure. It taught our fathers the lesson, that they had more, infinitely more to do than merely achieve their Independence by war. That they must form their social compact upon principles never before attempted upon earth. * * * The Confederation was perhaps as closely knit together as it was possible that such a form of polity could be grappled; but it was matured by the State Legislatures without consultation with the People, and the jealousy of sectional collisions, and the distrust of all delegation of power, stamped every feature of the work with inefficiency."†

This state of affairs was to a great extent due to the fact that while the Articles of Confederation professed to be articles of perpetual union, Congress had no power to effect or maintain the union. Exclusive power was given to Congress for certain purposes, but that body possessed no ability to execute any of these powers. "They may make and con-

clude treaties, but can only recommend the observance of them. They may appoint ambassadors, but cannot even defray the expenses of their tables; they may borrow money in their own name, on the faith of the Union, but cannot pay a dollar. They may coin money; but they cannot purchase an ounce of bullion. They may make war, and determine what number of troops are necessary, but cannot raise a single soldier. In short, they may declare every thing, but do nothing.* Justice Story, in his *Commentaries on the Constitution of the United States*, points out the inherent defects of the Confederation in all those particulars which had reference to its answering the design and necessities of a national government,† and Curtis in his *Constitutional History*,‡ also sets forth both the advantages and defects of the Confederation. Undoubtedly much had been accomplished. Nationality had been given an impulse, and good work had been done in obtaining the cession of lands by the States to the general government, but Congress possessed no authority to compel obedience.|| It had been totally in-

* Story, *Commentaries on the Constitution*, vol. i., p. 175. See also Pellew, *John Jay*, pp. 245-246; Schouler, *United States*, vol. i., p. 17; McLaughlin, *The Confederation and the Constitution*, p. 47 et seq.; Fiske, *Critical Period of American History*, p. 90 et seq. See also Jay's *Works*, vol. iii., p. 294; Ford's ed. of *Jefferson's Writings*, vol. i., pp. 108, 114.

† Vol. i., p. 174 et seq. (5th ed. 1891).

‡ Vol. i., p. 221 et seq.

|| Writing to Monroe August 7, 1785, Madison said: "I conceive it to be of great importance

* Regarding this aspect of the matter see John Adams' letter of May 8, 1785, to Secretary Jay, in his *Works*, vol. viii., pp. 242-246.

† *Lives of James Madison and James Monroe*, pp. 19-20.

efficient in securing the means of feeding, clothing and paying the army, and at the end of the war was without any means of meeting its obligations either at home or abroad. It had been compelled to resort to expedients which were entirely at variance with economy, integrity and strict adherence to public faith and honor, and in whatever it did it was compelled to wait upon the oftentimes tardy assent of thirteen distinct legislative bodies. Efforts had been made to secure larger powers for the general government, but these efforts resulted in miserable failure. State interests predominated and clashed and jealousies prevailed, with the only possible result, that, being without resources and without power, the Confederation was fast expiring of its own debility. Indeed, as Madison says, "the present system neither has nor deserves advocates; and if some very strong props are not applied, will quickly tumble to the ground. No money is paid into the public Treasury; no respect is paid to

that the defects of the federal system should be amended, not only because such amendments will make it better answer the purpose for which it was instituted, but because I apprehend danger to its very existence from a continuance of defects which expose a part, if not the whole, of the empire to severe distress. The suffering part, even when the minor part, cannot long respect a Government which is too feeble to protect their interests; but when the suffering part comes to be the major part, and they despair of seeing a protecting energy given to the General Government, from what motives is their allegiance to be any longer expected?"—*Madison's Works* (Congress ed.), vol. i., p. 171.

the federal authority. Not a single State complies with the requisitions; several pass them over in silence, and some positively reject them. The payments, ever since the peace, have been decreasing, and of late fall short even of the pittance necessary for the civil list of the Confederacy. It is not possible that a government can last long under these circumstances." *

The recommendations of Congress were treated with open contempt,† which could not but be expected under the existing political conditions. Each of the States retained the rights of sovereignty and claimed for itself the power to coin money, levy taxes, impose duties and raise armies; in fact Congress was treated as though it were a foreign body, every act being scrutinized with the most censorious care. One of the

* Letter to Edmund Pendleton, February 24, 1787, *Madison's Works* (Congress ed.), vol. i., p. 279.

† See letter from Mann Page to Richard Henry Lee dated December 14, 1784, quoted in Conway, *Edmund Randolph*, p. 61. Writing to Randolph, Madison says: "Our situation is becoming every day more and more critical. No money comes into the federal treasury; no respect is paid to the federal authority; and people of reflection unanimously agree that the existing Confederacy is tottering to its foundation. Many individuals of weight, particularly in the eastern district, are suspected of leaning toward monarchy. Other individuals predict a partition of the States into two or more confederacies. It is pretty certain that if some radical amendment of the single one cannot be devised and introduced, one or the other of these revolutions, the latter, no doubt, will take place."—Gay, *Life of Madison*, p. 77. See also his letter to Jefferson, May 12, 1786, in *Madison's Works*, vol. i., p. 233.

causes of this was the system of representation, which was bad from the beginning. Regardless of population, each State was allowed to send to Congress not more than seven nor less than two delegates, so that Virginia, with her 700,000 inhabitants, had no more influence in the councils of the nation than little Rhode Island with only one-tenth as many inhabitants.* The States were to pay the expenses of their representatives but as the State finances were not in a flourishing condition, there were seldom more than two delegates from any one State present at the sessions of Congress, while at times some of the States were entirely unrepresented. Often during the war, when Congress should have had ninety-one members, hardly twenty-five were present, and on more than one occasion Congress was compelled to adjourn for several consecutive days, because there was no quorum.† Even when Washington presented his resignation there were but twenty delegates present, representing seven States, while only twenty-three members from eleven States were present to vote for the ratification of the treaty. The national body therefore became the subject for taunts and jeers on the part of many of the populace. But others were working to gain for it good will and support, laying bare the folly of expecting a body without power to enforce laws,

and also showing that the States were withholding from Congress the very power they wished that body to exert, and because of the failure to do which they were so loudly complaining. When the recommendations of Congress were in accord with the wishes of the State Legislatures, they were adopted, but if a sacrifice were demanded for the good of the entire country, they were disregarded or openly despised as an usurpation of State rights. Patriotism meant loyalty to the interest of the individual State, and there were few at that time who could rise above such interests.

Washington, Jefferson, Adams, Madison, Hamilton, Jay and others of their stamp were unfortunately at this time either busy with private affairs, abroad in the diplomatic service of the Confederation, or overwhelmed with State and local politics.* After his retirement from the army, Washington had gone to his farm where he engaged in agricultural pursuits, at the same time maintaining an extensive and important correspondence regarding public affairs.† His letters manifest a deep interest in the affairs of the country, and indicate how earnestly he entered into a consideration of what seemed to be the best way in which peace and prosperity could be attained and secured. In the latter part of 1784 he made a long tour through the western

* Schouler, *United States*, vol. i., p. 18.

† McMaster, *United States*, vol. i., pp. 131-132.

* Schouler, *United States*, vol. i., p. 32.

† See Sparks, *Life of Washington*, p. 376 et seq.

country, and upon his return strongly urged the Legislature of Virginia to open up better means of communication and intercourse with the Western States.* After his resignation, several efforts had been made in Pennsylvania† and in Virginia to induce Washington to accept remuneration for his services during the war, but he opposed every advance of this nature. He was more concerned with promoting the general interests of the country as a whole, rather than his own personal affairs. In this respect he was much concerned with the need of a speedy and efficient remedy for the defects of the government as his letters at this period demonstrate. Writing to James Warren, of Massachusetts, in October, 1785, he says:

"The Confederation appears to me to be little more than a shadow without the substance, and Congress a nugatory body, their ordinances being little attended to. To me it is a solecism in politics; indeed, it is one of the most extraordinary things in nature, that we should confederate as a nation, and yet be afraid to give the rulers of that nation, who are the creatures of our own making, appointed for a limited and a short duration, and who are amenable for every action, recallable at any moment, and subject to all the evils which they may be instrumental in producing, sufficient powers to order and direct the affairs of the same. By such policy, the wheels of the government are clogged, and our brightest prospects, and that high expectation, which was entertained of us, by a wondering world, are turned into astonishment; and from the high ground on which we stood, we are descending into the vale of confusion and darkness.

* See his letter to the Governor of Virginia, in Sparks, pp. 379-381. See also Fiske, *Critical Period*, pp. 211-213.

† The instructions of the Pennsylvania Council to the delegates in Congress from that State are given in Sparks, pp. 375-376.

That we have it in our power to become one of the most respectable nations upon earth, admits, in my humble opinion, of no doubt, if we would but pursue a wise, just, and liberal policy towards one another, and would keep good faith with the rest of the world. That our resources are ample, and increasing, none can deny; but while they are grudgingly applied, or not applied at all, we give a vital stab to public faith, and will sink in the eyes of Europe into contempt." *

In a letter to John Jay, he writes as follows:

"Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own. What the event will be, is also beyond the reach of my foresight. We have errors to correct; we have probably had too good an opinion of human nature, in forming our Confederation. Experience has taught us, that men will not adopt and carry into execution, measures the best calculated for their own good, without the intervention of coercive power. I do not conceive we can subsist long as a nation, without lodging somewhere a power which will pervade the whole Union in as energetic a manner, as the authority of the state governments extends over the several states. To be fearful of investing Congress, constituted as that body is, with ample authorities for national purposes, appears to me the very climax of popular absurdity and madness. Could Congress exert them for the detriment of the people, without injuring themselves in an equal or greater proportion? Are not their interests inseparably connected with those of their constituents? By the rotation of appointment, must they not mingle frequently with the mass of citizens? Is it not rather to be apprehended, if they were possessed of the powers before described, that the individual members would be induced to use them on many occasions, very timidly and inefficaciously, for fear of losing their popularity and future election? We must take human nature as we find it; perfection falls not to the share of mortals. Many are of opinion, that Congress have too frequently made use of the suppliant humble tone of requisition, in applications to the states, when they had a right to assert their imperial dignity, and command obedience. Be that as it may, *requisitions* are a perfect nullity, where thirteen sovereign, independent, *dis-united* states, are in the habit of discussing, and refusing, or complying with them,

* Sparks' ed. of Washington's *Writings*, vol. ix., p. 139.

at their option. Requisitions are actually little better than a jest and a by-word throughout the land. If you tell the legislatures, they have violated the treaty of peace, and invaded the prerogatives of the Confederacy, they will laugh in your face.

"What, then, is to be done? Things cannot go on in the same train forever. It is much to be feared, as you observe, that the better kind of people, being disgusted with these circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme into another. To anticipate and prevent disastrous contingencies, would be the part of wisdom and patriotism.

"What astonishing changes are a few years capable of producing! I am told that eleven respectable characters speak of a monarchical form of government, without horror. From thinking, proceeds speaking; thence to acting, is often but a single step. But how irrevocable and tremendous! What a triumph for our enemies to verify their predictions! What a triumph for the advocates of despotism, to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty, are merely ideal and fallacious! Would to God, that wise measures may be taken in time, to avert the consequences we have but too much reason to apprehend.

"Retired as I am from the world, I frankly acknowledge, I cannot feel myself an unconcerned spectator. Yet having happily assisted in bringing the ship into port, and having been fairly discharged, it is not my business to embark again on a sea of troubles. Nor could it be expected, that my sentiments and opinions would have much weight on the minds of my countrymen. They have been neglected, though given as a last legacy, in the most solemn manner. I had then, perhaps, some claims to public attentions. I consider myself as having none at present." *

Meanwhile, there seemed to be no way of escape from the impending

* See Sparks, *Life of Washington*, pp. 393-394; Irving, *Life of Washington*, vol. iv., pp. 520-522. Writing to John Adams, November 14, 1786, Samuel Osgood says: "The British party is and will be great; the French party also; the genuine Americans, few; the speculators numerous, who care not what the government is, so that they can speculate upon, and sponge it."—John Adams, *Works*, vol. viii., pp. 420-421.

ruin. According to Marshall, two great parties had been formed in every State, pursuing distinct objects with systematic arrangement. "The one struggled for the exact observance of public and private tracts. Those who composed it, were the uniform friends of the regular administration of justice, and of a vigorous course of taxation, which would enable the state to comply with its engagements. By a natural association of ideas, they were also in favor of enlarging the powers of the federal government, and of enabling it to protect the dignity and the character of the nation abroad, and its interests at home. The other party marked out for themselves a more indulgent course. They were uniformly in favor of relaxing the administration of justice, of affording facilities for the payment of debts, or of suspending their collection, and of remitting taxes. The same course of opinion led them to resist every attempt to transfer from their own hands into those of Congress, powers which others deemed essential to the preservation of the Union. Wherever this party was predominant, the emission of paper money, the delay of legal proceedings, and the suspension of taxes, were the fruits of their rule. Even where they failed to carry their measures, their strength was such as to encourage the hope of succeeding in a future attempt. Throughout the Union, the contest between these parties was annually revived, and the

public mind was perpetually agitated with hopes and fears on subjects which affected essentially the fortunes of a considerable portion of society. This instability in principles, which ought to be rendered immutable, produced a long train of ills; and is believed to have been among the operating causes of those pecuniary embarrassments which influenced the legislation of almost every state. The wise and thinking part of the community, who could trace evils to their source, labored unceasingly to inculcate opinions favorable to the incorporation of some principles into the political system, which might correct its obvious vices, without endangering its free spirit."

Others beside Washington were dissatisfied and disappointed. On September 3, 1780, before the Articles of Confederation had been adopted by all the States, Hamilton had written to James Duane, pointing out the defects of the Confederation, and indicating the necessary modifications. He said that unless Congress should assume the dictatorial power which belonged to it, a general convention should be called at once.* Two years later he began the publication in the newspapers of a series of articles, in which he lay bare the frailties of the existing system and urged that Congress be empowered to levy taxes

and regulate commerce. He said that there was something "diminutive and contemptible in the prospect of a number of petty states, with the appearance only of union, jarring, jealous and perverse, without any determined direction, fluctuating and unhappy at home, weak and insignificant by their dissensions in the eyes of other nations."*

"As early as 1781 Pelatiah Webster was the first to propose to the people of the United States, in one of his financial essays published at Philadelphia in May of that year, the calling of a 'Continental Convention' for the making of a new Constitution.† In bearing testimony to that fact, Madison said that Pelatiah Webster, 'after discussing the fiscal system of the United States, and suggesting, among other remedial provisions, one including a national bank, remarks, that "*the authority of Congress is very inadequate to the performance of their duties; and this indicates the necessity of their calling a Continental Convention for the express purpose of ascertaining, defining, enlarging, and limiting the duties and powers of their Constitution.*"'‡ Two years after he had thus sounded the tocsin

* Hamilton's *Works*, vol. ii., p. 201.

† The fact that "Alexander Hamilton made the same suggestion in a private letter to James Duane, September 3, 1780," is of no importance. It was not a public act, not even a public declaration. See Gaillard Hunt, *Life of James Madison*, p. 108.

‡ The *Madison Papers* (1841), vol. ii., pp. 706-7.

* Hamilton's ed. of *Hamilton's Works*, vol. i., p. 150 *et seq.*; Lodge's ed., vol. i., p. 203. See also Curtis, *Constitutional History*, vol. i., pp. 138, note, 236-239, notes.

for the States to assemble, he made the invention and published to the world, in detail, the plan upon which the Constitution was to be formed. While the historian Bancroft* failed to appreciate the stupendous importance of his work, he frankly admits that he actually performed it when he says: "The public mind was ripening for a transition from a confederation to a real government. Just at this time Pelatiah Webster, a graduate of Yale College, in a dissertation published at Philadelphia, proposed for the legislature of the United States a *Congress of two houses* which should have ample authority for making laws "*of general necessity and utility*," and enforcing them *as well on individuals as on States*. He further suggested not only heads of executive departments, but judges of law and chancery. The tract awakened so much attention that it was reprinted in Hartford, and called forth a reply.'"†

Madison had also been working in Congress to effect an improvement in the articles. In March, 1781, he brought in a report from a committee, in which it was stated that inasmuch as the States had ratified the articles, Congress was vested with

the right and power to carry them into effect against any refractory State which refused to abide by the determination of Congress. It was also advised in this report that Congress be empowered by an additional article to employ the United States forces to compel compliance on the part of the States to their Federal engagements. Congress, however, hesitated to adopt such an article. In the following August, another committee prepared a report declaring that the articles needed revision in twenty-one different particulars, and that several additional powers should be given Congress. Again in 1786, a special committee suggested that the Confederation be enlarged and improved by the addition of seven articles, but Congress did nothing in the matter for it was almost impossible even to secure the passage of the most insignificant resolutions—that body was practically helpless.*

As early as 1782 New York proposed that a convention be held to revise the articles, but Congress took no action on this recommendation. By 1784, according to Richard Henry Lee, the plan of holding a general convention was common talk among the members of Congress.† In 1785 the General Court of Massachusetts passed resolutions favoring the revision of the articles, but her delegates in Congress refused to intro-

* *History of the Constitution of the United States*, vol. i., p. 86.

† Quoted from Hannis Taylor's Memorial, *Senate Doc. 461*, 60th Congress, 1st session, pp. 9-10 (Presented to the Senate by Mr. Carter May 4, 1908). For another excerpt from this Memorial and for Webster's plan, see Appendix.

* McLaughlin, *The Confederation and the Constitution*, pp. 171-172.

† Hunt, *Life of Madison*, p. 108.

duce these resolutions,* and on November 25, 1785, the legislature of that State annulled them.† Virginia also indicated that she would advance the cause of reform. On November 30, 1785, it was proposed in the Virginia House of Delegates that the Virginia representatives in Congress be instructed to move that all the States authorize Congress to collect a revenue by means of duties uniform throughout the country for a period of thirteen years. That such a system was imperative was generally admitted, but the members were divided in opinion as to whether the powers should be permanent or limited to a certain term. Those favoring a limited term said that the matter ought to be thoroughly tested before a grant of power was given to Congress, and if experience showed the measure to be efficacious, the grant of temporary power to Congress could be renewed from time to time. They seemed to forget, however, that the other powers granted to the Union, upon which its whole fabric rested, were perpetual and irre-

vocable, and that the scheme of temporary grants of power would only reopen from time to time, as the terms of the grant expired, the old sectional fights due to the diversity of interests of the several States.* The advocates of the measure in the House of Delegates won, however, but before it was carried up to the Senate a new event opened up the prospect of a more efficient plan and the resolution was reconsidered and laid on the table.†

This event was brought about by the dispute between Maryland and Virginia regarding the boundary line between the two States. This boundary line had always been regarded as the Potomac River, and was so defined in the charter given to Maryland by Lord Baltimore, save that he gave the colonial governors jurisdiction over the entire river to the southern shore.‡ In her constitution of 1776, Virginia recognized this charter and gave Maryland all the rights demanded, excepting the free use and navigation of the Potomac and Poko-

* Curtis, *Constitutional History*, vol. i., pp. 225-227; McLaughlin, p. 173. In preparing a defence of their action, Rufus King said: "We are sensible that our duty points out a prompt and exact compliance with the instructions of the legislature. But if a case arises wherein we discover most clearly consequences so fatal that, had they been known, perhaps the measure adopted would not have been proposed, it may not be improper to delay a final execution until we have the instructions of the legislature after such pernicious consequences shall have been submitted to their examination."

† Curtis, vol. i., p. 228.

* Hamilton says: "'More power in Congress' has been the cry from all quarters, but especially of those whose views, not being confined to a government that will best promote the happiness of the people, are extended to one that will afford lucrative employments, civil and military. Such a government is an aristocracy which would require a standing army and a numerous train of pensioners and placemen to prop and support its exalted administration."—*History of the Republic*, vol. iii., pp. 139, 145.

† Curtis, vol. i., pp. 229-230.

‡ Hunt's ed. of *Madison's Writings*, vol. ii., p. 41; *Madison's Works* (Congress ed.), vol. i., pp. 73-74.

moke from their sources to their mouths. But this division of authority resulted in many evasions of the import duties, and when this was brought to Madison's attention, in 1784, he suggested that a joint commission be appointed by the two States to define the power of each on the river.* Jefferson warmly approved the suggestion, and Virginia thereupon appointed as commissioners, George Mason, Edmund Randolph, James Madison, and Alexander Henderson, any three of whom should have power to act. In the fall of 1784, Maryland also appointed three—Samuel Chase, Thomas Stone, and Daniel of St. Thomas Jenifer.

In March, 1785, the joint commission assembled at Alexandria, but soon adjourned to Mt. Vernon.† While at the latter place, the commissioners entered into a compact regarding the navigation of and jurisdiction over the Potomac and Pokomoke rivers and Chesapeake Bay. Each State granted the other freedom of trade over its waters, but there was to be no free trade between the States. The States were to maintain lighthouses, buoys, etc., on the Potomac and Bay, Virginia paying five-eighths and Maryland three-eighths of the expense. A supplementary report was also agreed to concerning

the questions of uniform export and import duties, regulation of commerce, currency, rates of exchange, etc.* They agreed also that proposals be made to their respective governments, regarding the appointment of other commissioners, who should have power to make arrangements, with the assent of Congress, for maintaining a naval force on the Chesapeake, and for establishing a uniform rate of import duties, to which the laws of both States should conform.† The commissioners therefore reported the results of their meeting, and the Maryland Legislature was the first to act. In November, 1785, she proposed that Delaware and Pennsylvania be invited to join the two States in a common system of commercial policy.‡

Shortly afterward Madison drew up a resolution to be presented to the Virginia Legislature, calling for a convention of commissioners from all the States. As he was a member of Congress and as Congress was viewed with jealousy, he secured the services of his friend John Tyler to introduce the measure, but it was laid on the table.|| The Maryland resolution,

* Scharf, *History of Maryland*, vol. ii., p. 531.

† Marshall, *Life of Washington*, vol. ii., p. 105 (2d ed.); Hunt, *Life of Madison*, pp. 89-91; Thorpe, *Story of the Constitution*, pp. 102-104; Fiske, *Critical Period*, pp. 213-214; Rives, *Life of Madison*, vol. i., p. 548, vol. ii., p. 57.

‡ Scharf, *History of Maryland*, vol. ii., p. 532.

|| Fiske, *Critical Period*, pp. 214-215; Adams, *Lives of Madison and Monroe*, p. 29. Madison says he secured the services of Mr. Tyler because "having never served in Congress, [Tyler] had

* Hunt, *Life of Madison*, pp. 87-88; McMaster, *United States*, vol. i., pp. 277-278.

† Bancroft, vol. vi., p. 129. See also Marshall, *Life of Washington*, vol. v., p. 90; Madison's letter in Sparks' ed. of *Washington's Writings*, vol. ix., p. 509.

with the report of the commissioners, was then discussed and a series of resolutions passed which, while falling short of Madison's intentions, went a long way in that direction.* Madison then urged that the proposed convention, in addition to preparing a uniform system of duties between the States, should go beyond this by considering the state of the trade of the Confederation, and report to the several States such measures as would, when adopted by all, enable Congress effectually to provide for the trade of the whole country. They should "consider how far a uniform system in their commercial relations may be necessary to their common interest and their permanent harmony." In this form the resolution was passed, January 21, 1786,†

more the ear of the house than those whose services there exposed them to an imputable bias." —Gay, *Life of Madison*, p. 60.

* Hunt's ed. of *Madison's Writings*, vol. ii., p. 218.

† The resolution was as follows: "Resolved, That Edmund Randolph, James Madison, Jr., Walter Jones, St. George Tucker, Meriweather Smith, David Ross, William Ronald, and George Mason, Esquires, be appointed commissioners, who, or any five of whom, shall meet such commissioners as may be appointed by the other States in the Union, at a time and place to be agreed on, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act relative to this great object as, when unanimously ratified by them, will enable the United States in Congress assembled effectually to provide for the same; that the said commissioners shall immediately transmit to the several states, copies of the preceding resolution, with a circular letter respecting their commerce

and seven commissioners were appointed to name a place and date for the convention, which were decided as Annapolis, Md., and the second Monday in September, 1786.*

At the appointed time, two commissioners from New York, three from New Jersey, one from Pennsylvania, three from Delaware and three from Virginia‡ assembled at Annapolis. Georgia, South Carolina and the New England States were not represented.‡ Maryland, though she had

therein, and proposing a time and place for the meeting aforesaid." See also Rives, *Life of Madison*, vol. ii., p. 60; *Madison's Works* (Congress ed.), vol. i., pp. 216, 222-223.

* Bancroft, vol. vi. pp. 182-185; Schouler, vol. i., pp. 32-33; Hunt, *Life of Madison*, pp. 91-95; McMaster, vol. i., pp. 279-280. See also Curtis, *Constitutional History*, vol. i., p. 230 *et seq.*; Conway, *Edmund Randolph*, p. 59. Madison says that Annapolis was selected as the meeting place, because "it was thought prudent to avoid the neighborhood of Congress and the large Commercial towns, in order to disarm the adversaries to the object of insinuations of influence from either of these quarters." Letter to Jefferson, March 18, 1786, *Madison's Works* (Congress ed.), vol. i., pp. 225-226.

† Alexander Hamilton and Egbert Benson represented New York; New Jersey was represented by Abraham Clark, James Schureman, and William C. Houston; Pennsylvania, by Tench Coxe; Delaware, by John Dickinson, George Read and Richard Bassett; and Virginia, by Governor Edmund Randolph, James Madison and St. George Tucker. See also Rives, *Life of Madison*, vol. ii., pp. 98, 117, 125; Hunt, *Life of Madison*, pp. 104-106.

‡ In explaining this, Knox wrote to Washington, January 14, 1787, as follows: "You ask what prevented the Eastern States from attending the September meeting at Annapolis. It is difficult to give a precise answer to this question. Perhaps torpidity in New Hampshire, faction and heats about their paper money in Rhode Island, and jealousy in Connecticut. Massachusetts had chosen delegates to attend, who did not decline

taken the action which led to the calling of the meeting, was also unrepresented, as Madison said, "from a mistaken notion that the measure would derogate from the authority of Congress, and interfere with the Revenue System of April, 1783."* While nothing was done in regard to the particular object for which the meeting had been called, yet the deliberations of the members resulted in a report which recommended that a second convention be held at Philadelphia, and that all the States be requested to send delegates. This convention was to meet May 14, 1787, "to take into consideration the situation of the United States; to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled, as, when agreed to by them, and afterwards confirmed by the legislature of every State, will effectually provide for the same.† A letter was also drafted and sent to Congress submitting a copy of

this report to the States.* Though Hamilton was not a member of the committee, the address to the States was written by him.†

Congress looked rather doubtfully upon this movement. It was questionable whether the suggested changes would be constitutional unless they originated in Congress itself, and were then submitted to and adopted by the various State legislatures in accordance with the Articles of Confederation. Nevertheless, as a crisis was felt to be near, Congress gave the matter prompt attention, and during the winter a report was made upon the proposal of the Annapolis commissioners. The report met with considerable opposition, for it was somewhat uncertain as to just what course would be the wisest to adopt.‡ The recommendation of the Annapolis commissioners was differently viewed in the various sections of the country. Virginia heartily approved the scheme. A bill, prepared by a committee of seven previously appointed, was introduced in the Legislature, and on the 9th of November was passed.†

until very late, and the finding of other persons to supply their places was attended with delay, so that the convention was broken up by the time the new-chosen delegates had reached Philadelphia."—Sparks' ed. of *Washington's Writings*, vol. ix., p. 513.

* Madison's *Works* (Congress ed.), vol. i., pp. 233, 246.

† Elliot, *Debates*, vol. i., p. 118; Rives, *Life of Madison*, vol. ii., pp. 127, 135; Lodge's ed. of *Hamilton's Works*, vol. i., p. 319; Madison's letter of August, 1827, to Thomas J. Wharton, in *Madison's Works* (Congress ed.), vol. iii., p. 587.

* Bancroft, vol. vi., pp. 195–198; McMaster, pp. 389–390; Sparks, *Life of Washington*, pp. 396–397; Schouler, vol. i., pp. 33–34; Lodge, *Alexander Hamilton*, pp. 54–55; Thorpe, *Story of the Constitution*, p. 106; Fiske, *Critical Period*, p. 216 *et seq.*

† Hamilton's ed. of *Hamilton's Works*, vol. ii., pp. 336–339.

‡ Curtis, *Constitutional History*, vol. i., pp. 238–240.

¶ See the *Journals of the [Virginia] House of Delegates*, November 3 and 7 and December 4, 1786. See also Elliot, *Debates*, vol. i., p. 132;

Under its provisions, Virginia in December selected seven representatives* "to meet the delegates from the other States, at Philadelphia, in the following May, and to join with them in devising and discussing all such alterations and further provisions, as may be necessary to render a Federal Constitution adequate to the exigencies of the Union." At the head of the Virginia delegation was George Washington, and upon news of his nomination, letters poured in upon him from all sections, urging his acceptance of the appointment.†

Madison was one of those who urgently requested him to attend the convention,‡ and in reply Washington said that while he had firmly decided never again to enter public life, yet he was willing to advance the interests of the country in every way possible. But at this time he was in a very unpleasant situation. He said:

"I presume you heard that I was first appointed, and have since been re-chosen President of the Society of the Cincinnati; and you may have understood also, that the triennial general meeting of this body, is to be held in Philadelphia, the first Monday in May next. Some particular reasons, combining with the peculiar situation of my private concerns, the necessity of paying

attention to them, a wish for retirement, and relaxation from public cares, and rheumatic pains, which I begin to feel very sensibly, induced me on the 31st ultimo, to address a circular letter to each state society, informing them of my intention, not to be at the next meeting, and of my desire not to be re-chosen president. The vice-president is also informed of this, that the business of the society may not be impeded by my absence. Under these circumstances, it will readily be perceived, that I could not appear at the same time and place, on any other occasion, without giving offence to a very respectable and deserving part of the community—the late officers of the American army."*

Nevertheless, as it was important that Washington attend the convention, the meeting of the Cincinnati was arranged for a week prior to the assembling of the Federal Convention, so that Washington could attend both, if he so desired.†

The action of Virginia was soon followed by similar actions in other States, and even before Congress itself had given sanction to the Federal Convention,—Massachusetts, New Jersey, Pennsylvania, Delaware, North Carolina and Georgia had appointed delegates.‡ The action of Massachusetts gave the advocates of the Convention great joy, for in no other State had the anti-federal feeling been so bitter and so strong. In 1786 that State had even proposed to go out of the Union and to form a

Rives, *Life of Madison*, vol. ii., p. 132; Madison's *Works* (Congress ed.), vol. iii., p. 587.

* Washington, Patrick Henry, Edmund Randolph, John Blair, James Madison, George Mason and George Wythe. Henry, however, refused to go. See Tyler, *Life of Patrick Henry*, p. 277; Henry, *Life of Patrick Henry*, vol. ii., pp. 310–311.

† Brooks, *Life of Knox*, p. 201.

‡ See his letters in Madison's *Works* (Congress ed.), vol. i., pp. 263–265, 267.

* See Sparks' ed. of *Washington's Writings*, vol. ix., p. 212. See also his letters to Randolph, quoted in Conway, *Edmund Randolph*, pp. 62, 64, 66–67.

† Sparks, vol. ix., pp. 219, 243, note; Sparks, *Life of Washington*, pp. 397–400; Lodge, *George Washington*, vol. ii., pp. 29–31.

‡ Their instructions will be found in Elliot, *Debates*, vol. i., p. 125 et seq.

Confederation of the New England States.* Shays's rebellion had been the chief agency in effecting this change.

None seemed to care what action Rhode Island took or if she acted at all, for she was scarcely considered a member of the Union. Her name was a by-word and a reproach; she was nicknamed "Rogue's Island"; and her inhabitants were spoken of as "Know Ye" people, and her acts as "Know Ye" measures.† It was no disappointment, therefore, that she never sent delegates to the Convention.‡ Connecticut debated the question for some time and did not act in the affirmative until May 12, two days before the Convention was to open.¶ There was a little better feeling in the Middle States. New Jersey and Pennsylvania warmly approved of the Convention, and Delaware soon followed. New York held back for some time, but two days after having thrown out the impost measure (February 17) as previously related, Hamilton moved in the Assembly that the New York delegates in Congress be instructed to introduce a resolution recommending that the States send commissioners to Philadelphia. This motion was passed by both houses of

the Legislature. The roundabout method by which New York thus assented to the Convention was chiefly the result of the argument that Congress itself had not yet approved the Convention, and to appoint delegates before Congress had considered the Annapolis report was, it was agreed, unseemingly hasty, and might possibly be useless if Congress did not take favorable action.*

Congress had set aside February 21, 1787, as the day on which the report of the Annapolis convention should be considered. On that day one of the New York delegates moved that consideration of the Annapolis communication be postponed in order to substitute the resolution of his State, but this motion was defeated by a vote of eight States against three. Another similar motion by Nathaniel Dane, of Massachusetts, was also defeated. Congress thereupon, on February 21, passed the following resolution:

"Whereas, there is provision in the Articles of Confederation and Perpetual Union for making alterations therein, by the assent of a Congress of the United States, and of the legislatures of the several states; and whereas, experience hath evinced that there are defects in the present Confederation, as a means to remedy which several of the states, and particularly the State of New York, by express instructions to their delegates in Congress, have suggested a convention for the purpose expressed in the following Resolution; and such convention appearing to be the most probable means of establishing in these states a firm national government;

Resolved, That in the opinion of Congress it is expedient that on the second Monday in May next,

* McMaster, *United States*, vol. i., p. 391.

† Richman, *Rhode Island*, p. 252; Bates, *Rhode Island and the Formation of the Union*, pp. 130-131; McMaster, *United States*, p. 392. Madison said that she could be "relied on for nothing that is good."—Madison's *Works*, vol. i., p. 275.

‡ Bates, pp. 151-152.

¶ McMaster, pp. 394-397.

* Curtis, *Constitutional History*, vol. i., pp. 242-243.

a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the states, render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union."*

Undoubtedly it was only the stern necessity of the case (of providing against a renewal of such affairs as the Shays' rebellion, etc., of losing the right of navigating the Mississippi, and of preventing further unrest in the western settlements) that brought Congress to a state of mind where they considered the convention not only imperative, but as actually the only method of preserving the Union. That it "should forego the right of originating changes in the system of government; that it should advise the states to confer that power upon another Assembly, that it should sanction a general revision of the Federal Constitution, and the express declaration of its present inadequacy, were all preliminaries essential to a successful reform."† It still remained a fact that Congress, no matter how weak and inefficient it was, was still the only body which could legitimately take action on such a matter, and to have despised it, and cast off all control, would have been attended with dangers of the most serious nature.

"But the reason for not moving

* *Journals of Congress*, vol. xii., p. 17.

† Curtis, *Constitutional History*, vol. i., p. 245.

the revision of the system of government by Congress itself was one that could not be publicly stated. It was, that the highest civil talent of the country was not there. The men to whom the American people had been accustomed to look in great emergencies — the men who were called into the Convention, and whose power and wisdom were signally displayed in its deliberations — were then engaged in other spheres of public life or had retired to the repose which they had earned in the great struggle with England. Had the attempt been made by Congress itself to form a Constitution for the acceptance of the states, the controlling influence and wisdom of Washington, Franklin's wide experience and deep sagacity, the unrivalled capacities of Hamilton, the brilliant powers of Gouverneur Morris, Pinckney's fertility, and Randolph's eloquence, with all the power of their eminent colleagues and all the strength of principle and of character which they brought to the Convention, would have been withheld from the effort. One very important man, it is true, was still there. Madison was in Congress; and Madison's part in the framing of the Constitution was eminently conspicuous and useful. But without the concentration of talent which the Convention drew together, respecting every interest and every part of the Union, nothing could have been presented to the states, by the Congress of 1787, which would have commanded their assent.

The Constitution owed as much for its acceptance, to the weight of character of its framers, as it did to their wisdom and ability, for the intrinsic merits which that weight of character enforced."*

It was a fortunate thing, however, that Congress did not attempt to define the powers of the Convention, for had the nature of its discussions been curtailed by any such limitation, probably the Federal Constitution would not have been formulated at that time. As it was, and as many of the members of the Convention complained, that body went far beyond the original intention, at least as that intention was expressed in the call for delegates, and the result was the formation of our present Constitution.

It can hardly be doubted that the action of the several States regarding this Convention was hastened by the alarming condition of affairs during the latter part of 1786, and the beginning of 1787, in the New England States, and particularly in Massachusetts. This State was passing through a period of gloom, chiefly due to the evil consequences of the war, for while the crops had been good, the farmers complained because they could not sell their produce to obtain money with which to buy food, clothing, etc. Money was becoming more and more scarce; the debts due

from individuals to each other amounted to about £1,300,000 sterling; the soldiers were creditors of the State to the extent of £250,000 sterling; and the State's portion of the Federal debt was £1,500,000, a total burden of more than £3,000,000.* In order to pay the State's portion of the Federal debt, the law provided that one third of it should be raised by taxes on the ratable polls, but as the ratable polls were less than 90,000 in number, it was readily seen that some other means must be devised. The state of manufactures, agriculture, and commerce was deplorable,† but certain classes asserted that commerce and not agriculture should bear the load, for they claimed the merchants had grown rich upon their gains from foreign traffic (especially those merchants who dealt in foreign articles of luxury and trumpery, for which there was now a large demand). American exports amounted to nothing at this time, and in order to satisfy the demands of importation, coin must be had. As America had not as yet developed any gold mines, it was seen that either commerce must be stopped in order to prevent the outflow of specie, or paper must be issued to take the place of the coin sent abroad. In addition to the cur-

* Curtis, *Constitutional History*, vol. i., pp. 247-248.

* McMaster, *United States*, vol. i., p. 300; George R. Minot, *History of the Insurrections in Massachusetts in the Year 1786, and the Rebellion Consequent Thereon*, p. 6; Fiske, *Critical Period*, p. 177 et seq.

† Curtis, *Constitutional History*, vol. i., p. 180.

rency agitation, complaints began to arise regarding the administration of justice in the State. After the war the courts were clogged with all kinds of civil suits to collect debts, mortgages, claims against Tories, etc.,* and the lawyers became overwhelmed with cases. As they always exacted a retainer and were absolutely sure of their fees, they finally became wealthy, and were roundly denounced as blood-suckers, pick-pockets, etc., even being accused of causing the burdens and distress that afflicted the State.† There was common complaint of the high salaries paid to public officials and the wasteful cost of litigation.‡

Therefore, when the Legislature met, a stormy session began. Many measures to redress the grievances of the multitude were debated and at last a bill was introduced to fix the fees of attorneys,|| to allow all persons of good character to practice before the court, and to restrain the practice of champerty, but the bill did not pass. The currency question

was then introduced, the debate centering on a petition of seven Bristol towns, for the issuing of a paper currency that should never be redeemed, but should depreciate at stated intervals until the entire issue was extinguished. This bill was thrown out by a vote of 99 to 19, as was also a bill to make real and personal estate a legal tender, which measure was lost by a vote of 89 to 35. The legislature adjourned July 8, 1786, without taking any definite steps to redress the wrongs.

The malcontents of Hampshire thereupon called a convention to meet at Hatfield, August 22, and when the convention met delegates from fifty towns were present. After forming themselves into a constitutional body, they adopted a report which detailed at great length the various measures by which they were oppressed. Their hostility was expressed most forcibly against the taxes,* the compensation promised to the army officers, and the administration of justice by the courts.† They

* Minot, *History of the Insurrections*, p. 14.

† McMaster, *United States*, vol. i., pp. 301-302; McLaughlin, *The Confederation and the Constitution*, p. 157; Curtis, *Constitutional History*, vol. i., pp. 180-181.

‡ Schouler, *United States*, vol. i., p. 36.

|| In Quincy, Mass., there was much complaint as to the general conditions of affairs, but the people expressed one particular desire—that the lawmakers “crush, or at least put a proper check * * * on that order of Gentlemen denominated Lawyers, the completion of whose modern conduct appears to us to tend rather to the destruction than the preservation of the Commonwealth.”

* Knox, however, in writing to Washington, said: “That taxes may be the ostensible cause is true, but that they are the true cause is as far remote from truth as light from darkness. The people who are the insurgents have never paid any or but very little taxes. But they see the weakness of government; they feel at once their own poverty compared with the opulent, and their own force, and they are determined to make use of the latter in order to remedy the former.” See Brooks, *Life of Knox*, p. 194.

† Fiske, *Critical Period*, p. 179. The spirit behind the rebellion is shown by the speech of one of the leaders. “My boys,” said he, “you are going to fight for liberty. If you wish to know

asked "to have emitted a bank of paper money, subject to a depreciation," which would be legal tender for the payment of all debts.* They also prepared a petition in which were incorporated a number of fantastic recommendations.

These were but the prelude to radical acts. Proceeding from inflammatory words to actions, the citizens concerned began to arm themselves, surrounded the courts in several counties, and completely obstructed the administration of justice. On the last Tuesday in August, 1786, a body of 1,500 insurgents acted in this manner at Northampton, and in September the government issued a proclamation calling upon the officers and citizens of the commonwealth to suppress these treasonable proceedings. Under the existing condition of affairs, these proclamations had little effect, and within a week a body of more than 300 insurgents surrounded the court house at Worcester, and compelled the court to adjourn.† Similar riotous proceedings took place at Concord a week later, at Taunton, Great Barrington, and at Springfield.‡ At Great Barrington a

mob broke open the jails, prevented the courts from sitting, and compelled all the judges, save one, to sign a pledge that they would not hold court until the popular grievances were redressed. Later in the year more serious outrages were committed, houses being searched, people fired upon, and numbers of the conservative and law-abiding citizens driven from town.*

From one act of violence, the malcontents soon proceeded to others and as the State itself displayed its own weakness by adopting persuasion instead of using force, the insurgents attempted to force the State to comply with its demands. In December 1,500 men were organized in the counties of Worcester and Hampshire, under the leadership of Daniel Shays, formerly a captain in the Continental army.† After the organization of this body, threats were made that arms and ammunition would be secured by force, if necessary, from the public arsenal at Springfield.‡ Secretary of War Knox was appealed to by the citizens of Massachusetts for permission to use the national arms for general defence, but this was refused.|| Knox's communication and another letter regarding

what liberty is, I will tell you. It is for every man to do what he pleases, to make other folks do as you please to have them, and to keep folks from serving the devil."—Holland, *Western Massachusetts*, vol. i., p. 296.

* Minot, *History of the Insurrections*, pp. 34–38.

† William Lincoln, *History of Worcester*, p. 134; McMaster, *United States*, vol. i., pp. 305–307.

‡ For details of which see Fiske, *Critical Period*, pp. 180–181; McMaster, vol. i., pp. 307–315.

* J. G. Holland, *History of Western Massachusetts*, vol. i., pp. 244–248; Minot, *History of the Insurrections*, pp. 44–50.

† Minot, *History of the Insurrections*, p. 82 et seq.

‡ See Humphrey's letter to Washington, in Sparks, *Correspondence of the Revolution*, vol. iv., pp. 147–149.

|| Brooks, *Life of Knox*, p. 196.

hostile movements of Indians in the West were referred to a committee of Congress, which in October made a secret report in which it was said: "that a dangerous insurrection has taken place, in divers parts of the State of Massachusetts, which was rapidly extending its influence; that the insurgents had already, by force of arms, suppressed the administration of justice in several counties; that though the legislature of said state was in session, yet from the circumstances attending it, it would undoubtedly defeat the object of the federal interposition, should a formal application for the same be made."* The committee said that "the aid of the federal government is necessary to stop the progress of the insurgents, that there is the greatest reason to believe, that unless speedy and effectual measures shall be taken to defeat their designs, they will possess themselves of the arsenal at Springfield, subvert the government, and not only reduce the commonwealth to a state of anarchy and confusion, but probably involve

the United States in the calamities of a civil war." The committee therefore came to the conclusion that the United States were bound to restore constitutional authority in Massachusetts, and to afford protection to public stores at Springfield. For such purposes it was recommended that a body of troops be immediately sent there. Such was the secret report. The public report, however, recommended that 1,340 troops be raised to protect the frontiers against the hostile movements of the Indians, though in reality these troops were to be used in suppressing the insurrection in Massachusetts.* Congress adopted these reports, ordered that the troops be enlisted immediately,† and to support them called upon the States to pay into the public treasury by June 1, 1787, \$530,000 in specie. The resolve also authorized a loan of \$500,000 to be immediately opened.

Washington had been greatly alarmed at the proceedings in Massa-

* When Washington heard the news from Massachusetts he exclaimed: "What, gracious God, is man that there should be such inconsistency and perfidiousness in his conduct! It was but the other day that we were shedding our blood to obtain the constitutions under which we now live—constitutions of our own choice and making—and now we are unsheathing the sword to overturn them. The thing is so unaccountable that I hardly know how to realize it, or to persuade myself that I am not under the illusion of a dream."—Sparks' ed. of *Washington's Writings*, vol. ix., p. 221; Schouler, *United States*, vol. i., p. 36; Irving, *Life of Washington*, vol. iv., p. 524.

* *Journals of Congress*, October 30, 1786, vol. xi., p. 258. See also Gordy, *Political History of the United States*, vol. i., p. 60 *et seq.*

† In reaching this conclusion, Congress deemed it a wise thing to spread upon the secret journals a declaration that it (Congress) "would not hazard the perilous step of putting arms into the hands of men whose fidelity must in some degree depend on the faithful payment of their wages, had they not the fullest confidence * * * of the most liberal exertions of the money holders in the State of Massachusetts and the other states in filling the loans authorized by the resolve of this date."—*Secret Journals of Congress*, October 21, 1786, vol. i., p. 267 *et seq.*

chusetts, and on October 31, 1786, wrote to Henry Lee as follows:

"The commotion and temper of numerous bodies in the Eastern country, present a state of things equally to be lamented and deprecated. They exhibit a melancholy verification of what our transatlantic foes have predicted, and of another thing, perhaps, which is still more to be regretted, and yet more unaccountable, that mankind, when left to themselves, are unfit for their own government. I am mortified beyond expression, when I view the clouds which have spread over the brightest morn that ever dawned upon any country. In a word, I am lost in amazement, when I behold what intrigue, the interested views of desperate characters, ignorance and jealousy of the minor part, are capable of effecting, as a scourge on the major part of our fellow-citizens of the Union; for it is hardly to be supposed, that the great body of the people, though they will not act, can be so short-sighted, or enveloped in darkness, as not to see rays of a distant sun through all this mist of intoxication and folly.

"You talk, my good sir, of employing influence to appease the present tumults in Massachusetts. I know not where that influence is to be found, nor, if attainable, that it would be a proper remedy for these disorders. **INFLUENCE IS NOT GOVERNMENT.** Let us have a *government*, by which our lives, liberties, and properties will be secured; or let us know the worst at once. Under these impressions, my humble opinion is, that there is a call for decision. Know precisely what the insurgents aim at. If they have *real* grievances, redress them if possible, or acknowledge the justice of them, and your inability to do it in the present moment. If they have not, employ the force of government against them at once. If this is inadequate, *all* will be convinced that the superstructure is bad, or wants support. To be more exposed in the eyes of the world, and more contemptible, is hardly possible. To delay one or the other of these expedients, is to exasperate on the one hand, or to give confidence on the other, and will add to their numbers; for, like snowballs, such bodies increase by every movement, unless there is something in the way to obstruct and crumble them before their weight is too great and irresistible.

"These are my sentiments. Precedents are dangerous things. Let the reins of government, then, be braced with a steady hand, and every violation of the Constitution be reprehended. If

defective, let it be amended, but not suffered to be trampled upon while it has an existence."*

Finding that it had become necessary to use troops, Governor James Bowdoin, of Massachusetts, determined to protect the commonwealth of Massachusetts, and early in January, 1787, 4,000 militia were ordered into service and placed under the command of General Lincoln.† A number of the prominent and wealthy men of the state financed that part of the expenses of the expedition, which the State treasury was unable to defray, the governor heading the list of those who subscribed to the sum.‡ Assembling at Boston, the troops soon got under way, and proceeded toward the scene of action.

Meanwhile, the militia of the Western counties, under General William Shepard, had assembled in the arsenal at Springfield; but before the arrival of Lincoln, they were attacked by the insurgents in an attempt to secure the supplies and ammunition in the arsenal. The insurgents were repulsed with considerable loss.|| Shortly after this event, Lincoln arrived with his militia and by a series of rapid movements, endeavored to bring the insurgent army into action. For some time the latter successfully

* Sparks' ed. of *Washington's Writings*, vol. ix., p. 204.

† Schouler, *United States*, vol. i., p. 37; McMaster, *United States*, vol. i., pp. 316-318.

‡ Minot, *History of the Insurrections*, pp. 93-94; McMaster, p. 319.

|| McLaughlin, *The Confederation and the Constitution*, p. 163; McMaster, *United States*, vol. i., pp. 320-322.

eluded pursuit, and after refusing every proposition to lay down their arms, endeavored to secure a suspension of hostilities until an accommodation could be negotiated with the Legislature.* Lincoln says: "Applications were also made by committees and select men of the several towns in the counties of Worcester and Hampshire, praying the effusion of blood might be avoided, while the real design of these applications was supposed to be, to stay our operations, until a new court should be elected. They had no doubt, if they could keep up their influence until another choice of the legislature and of the executive, that matters might be moulded in general court to their wishes. To avoid this, was the duty of government."

Lincoln, however, refused all overtures of such a nature, and called upon the towns to aid him in apprehending all abettors of those who should persist in their treason. But he continued to press the insurgents without intermission, and early in February, with a slight loss on both sides, succeeded in dispersing them, driving their leaders out of the State, and entirely quelling the rebellion.* But the people failed to reward the man who had done so much to save and redeem the State. At the next election Bowdoin was badly defeated, and John Hancock elected in his place. Furthermore, the rebels themselves were not punished. The fourteen convicted were pardoned by Hancock, and even Shays was allowed to retire into obscurity.†

APPENDIX TO CHAPTER V.

I. HANNIS TAYLOR ON PELATIAH WEBSTER'S PLAN OF GOVERNMENT.†

That invention of a new type of federal government, embodying, as Tocqueville said, "a wholly novel theory," is so unique that it can no more be confounded with any preceding federal government than a modern mogul engine can be confounded with an ancient stage coach. Did that wonderful invention, which has produced such momentous consequences, have a personal author, like all other inventions; or was it revealed at the same moment, and in some mysterious way, to a large number of persons, thinking and acting in isolation? Upon that humanely impossible or miraculous theory historians of our existing constitutions have attempted to explain the origin of the unique and prearranged plan of federal government presented to the Convention which sat at Philadelphia during the 125 days that intervened between May 14 and September 17, 1787.

After deducting recesses and holidays, there could not have been more than 90 working days. No one has ever contended, or can ever contend, that the great invention in question was made *after the Convention met*, for the simple and conclusive reason that it was the basis of all the "plans" save one, carefully constructed beforehand, out of which the Constitution was evolved. Five and only five "plans," all prearranged, were submitted

* See also Rivers, *Captain Shays*; *New England Magazine*, new series, vol. xxiii., no. v. (January, 1901); McMaster, *United States*, vol. i., pp. 325-330.

† McLaughlin, *The Confederation and the Constitution*, p. 164; Fiske, *Critical Period*, pp. 183-184.

‡ Quoted with the author's kind permission from his memorial to Congress. *Senate Document* 461, 60th Congress, 1st session, pp. 6-8, 13-20.

* McMaster, pp. 322-325.

to the Convention, viz, the Virginia plan, the Charles Pinckney plan, the Connecticut plan, the Alexander Hamilton plan, and the New Jersey plan. As the last only proposed a revision of the Articles of Confederation it may be dismissed from consideration. There were but four plans in which proposals for a new system of federal government were embodied, each resting upon the "wholly novel theory" which has produced "the most momentous consequences."

A distinguished specialist has well said that "the Virginia plan became the rock-bed of the Constitution.* That plan, which embodied every phase of the great invention, was drafted by Madison, who began his preparation for the labors of the Convention at least a year before it met.† In December, 1786, we find him in active correspondence with Jefferson, then at Paris, as to the Virginia plan.‡ The marvel is that the historians who are supposed to have explored the sources have never taken the pains to ask this simple and inevitable question—*From what common source did the draftsmen of the four plans draw the path-breaking invention which was the foundation of all of them?* Let it be said to the honor of those draftsmen that no one of them ever claimed to be the author of that invention. Neither Madison, nor Charles Pinckney, nor Sherman, nor Ellsworth, nor Hamilton, nor any of their biographers, so far as the writer is informed, ever set up such a claim in behalf of any one of them. The answer to "the simple and inevitable question" just propounded is this: The common source from which the draftsmen of the four plans drew the path-breaking invention underlying them all was "A dissertation on the Political Union and Constitution of the thirteen United States of North America," published at Philadelphia by Pelatiah Webster, February 16, 1783, and there republished by him with copious notes in 1791, and herein reproduced for the first time after the lapse of 116 years. In that immortal paper, whose lightest words are weighty, he gave to the world, *as his personal contribution to the science of government, and as an entirety worked out in great detail* the "wholly novel theory" of federal government upon which reposes the existing Constitution of the United States.

* Meigs, *The Growth of the Constitution in the Federal Convention of 1787*, p. 17.

† See Rives' *Life and Times of Madison*, vol. II., p. 208, "Preparations of Madison for labors of Federal Convention."

‡ See letter of Jefferson to Madison of December 16, 1786, in *Jefferson's Correspondence*, by T. J. Randolph, vol. II., pp. 64, 65.

Prior to the date in question no single element of that theory had ever been propounded by anyone. In a note appended to the republication of 1791 the great inventor gives the following account of the circumstances under which the invention was made: "At the time when this Dissertation was written (February 16, 1783) the defects and insufficiency of the Old Federal Constitution were universally felt and acknowledged; it was manifest, not only that the internal police, justice, security, and peace of the States could never be preserved under it, but the finances and public credit would necessarily become so embarrassed, precarious, and void of support, that no public movement, which depended on the revenue, could be managed with any effectual certainty: but tho' the public mind was under full conviction of all these mischiefs, and was contemplating a remedy, YET THE PUBLIC IDEAS WERE NOT AT ALL CONCENTRATED, MUCH LESS ARRANGED INTO ANY NEW SYSTEM OR FORM OF GOVERNMENT, which would obviate these evils. Under these circumstances, I offered this Dissertation to the public: how far the principles of it were adopted or rejected in the New Constitution, which was four years afterwards (Sept. 17, 1787) formed by the General Convention, and since ratified by all the States, is obvious to every one."

* * * * *

The most scientific writer upon finance during the Revolutionary War was Pelatiah Webster, whose essays on that subject fill a volume.* He was born at Lebanon, Connecticut, in 1725, and graduated at Yale College in 1746. In 1755 he removed to Philadelphia, where he became a prosperous merchant, and in due time an ardent supporter of the patriot cause in the War of the Revolution, aiding with pen and purse. He was captured by the British, and, on account of his ardor was imprisoned for four months. As early as October, 1776, he began to write on the currency, and in 1779 he commenced the publication at Philadelphia of a series of "Essays on Free Trade and Finance." He was sufficiently important as a political economist to be consulted by the Continental Congress as to the resources of the country. His financial studies soon convinced him that no stable fiscal system could be established until the then existing federal government was wiped out and superseded by one endowed with independent taxing power. Therefore, as early as 1781, in one of his financial essays, he made the first public call for the "Con-

* The second edition of 1791 was "Printed and sold by Joseph Cruikshank, No. 91 High Street," Philadelphia.

tinental Convention," referred to by Madison, to be armed with power to devise an adequate system of federal government. Having thus taken the first step, he set himself to work to formulate in advance such an adequate system as the Convention should adopt, whenever it might meet. In the great tract published at Philadelphia, February 16, 1783, we have photographed for us the workings of his mind as he moved along the paths never trod before. He sounded the keynote when he declared: "They (the supreme power) *must therefore of necessity be vested with a power of taxation.* I know this is a most important and weighty truth, a dreadful engine of oppression, tyranny, and injury, when ill used; yet, *from the necessity of the case, it must be admitted.*

"For to give a supreme authority a power of making contracts, without any power of payment; of appointing officers, civil and military, without money to pay them; power to build ships, without any money to do it with; a power of emitting money, without any power to redeem it; or of borrowing money, without any power to make payment, etc.—such solecisms in government are so nugatory and absurd that I really think to offer further argument on the subject would be to insult the understanding of my readers. To make all these payments dependent on the votes of thirteen popular assemblies, who will undertake to judge of the propriety of every contract and every occasion of money, and grant or withhold supplies according to their opinion, whilst at the same time the operation of the whole may be stopped by the vote of a single one of them, is absurd." Thus Pelatiah Webster proposed the existing system of federal taxation, then entirely new, to the world; thus he proposed that the ancient system of requisitions, resting on the taxing power of the states, should be superseded by a system of federal or national taxation extending to every citizen, directly or indirectly. Instead of the lifeless system of absurdity embodied in the Articles of Confederation, he proposed to substitute a self-executing and self-sustaining national system, based on the following propositions, stated in his own language: "*The supreme authority of any State must have power enough to affect the ends of its appointment, otherwise these ends cannot be answered and effectually secured.* * * * I begin with my first and great principle, viz, *That the Constitution must vest powers in every department sufficient to secure and make effectual the ends of it.* The supreme authority must have

the power of *making war and peace—of appointing armies and navies—of appointing officers both civil and military—of making contracts—of emitting, coining, and borrowing money—of regulating trade—of making treaties with foreign powers—of establishing post-offices—and, in short, of doing everything which the well-being of the Commonwealth may require, and which is not compatible to any particular State, all of which require money, and cannot possibly be made effectual without it.* * * * This tax can be laid by the supreme authority much more conveniently than by the particular Assemblies, and would in no case be subject to their *repeals or modifications*; and of course the public credit would never be dependent on, or liable to bankruptcy by the humors of, any particular assembly. * * * The delegates which are to form that august body, which are to hold and exercise the supreme authority, ought to be *appointed by the States in any manner they please.*" In formulating his conclusions as to the supremacy of federal law acting directly on all citizens, he said: "(1) *No laws of any State whatever which do not carry in them a force which extends to their effectual and final execution can afford a certain or sufficient security to the subject—this is too plain to need proof; (2) Laws or ordinances of any kind (especially of august bodies of high dignity and consequence), which fail of execution, are much worse than none; they weaken the government; expose it to contempt.* * * * A government which is but half executed, or whose operations may all be stopped by a single vote is the most dangerous of all institutions. * * *

"Further, I propose that if the execution of any act or order of the supreme authority shall be opposed by force in any of the States (which God forbid!) it shall be lawful for Congress to send into such State a sufficient force to suppress it. On the whole, I take it that the very existence and use of our union effectually depends on the full energy and final effect of the laws made to support it; and therefore I sacrifice all other considerations to this energy and effect; and if our Union is not worth this purchase we must give it up—the nature of the thing does not admit any other alternative." In these ringing terms was announced the path-breaking invention of a supreme and self-executing federal government operating directly upon the citizen; an invention for which the world had been waiting for two thousand years; an invention of which no trace or hint is to be found in the constitutions

of any of the Teutonic Leagues, in the Articles of Confederation, or in the prior utterance of any other man.

Having thus defined his fundamental concept of a federal government operating directly on the citizen, the great one boldly accepted the inevitable corollary that such a government must be strictly organized and equipped with machinery adequate to its ends—with the usual branches, executive, legislative, and judicial; with its army, its navy, its civil service, and all the usual apparatus of a government, all bearing directly upon every citizen of the Union without any reference to the government of the several States. No such federal government, ancient or modern, had ever existed. As Montesquieu was the first to point out, the division of state powers into executive, legislative, and judicial, originated in that single state in Britain we call England.* From that single state the principle passed into the single States of the American Union:† Pelatiah Webster was the first to conceive of the application of the principle of the division of powers to a federal state; he was the first to propose that the federal head should be divided and then organized, as the particular ones are, into legislative, executive, and judicial. More than three years later Jefferson endorsed that idea by commending it to Madison‡. Having thus made his second great invention, Webster proceeded to explain how the three departments, executive, legislative, and judicial, should be organized. His idea was that the executive power should be vested in a council of ministers to be grouped around a President elected by Congress. On that subject he said: "These ministers will of course have the best information, and most perfect knowledge, of the state of the Nation, as far as it relates to their several departments, and will of course be able to give the best information to Congress, in what manner any bill proposed will affect the public interest in their several departments, which will nearly comprehend the whole. The *Financier* manages the whole subject of the revenues and expenditures; the *Secretary of State* takes knowledge of the general policy and internal government; the *Minister of War* presides in the whole business of war and defence; and the *Minister of Foreign Affairs* regards the whole state of the Nation, as it stands related to, or connected with, all foreign powers. * * * I would further propose, that the aforesaid

great ministers of state shall compose a Council of State, to whose number Congress may add three others, viz: one from New England, one from the Middle States and one from the Southern States, one of which to be appointed President by Congress." To the organization of the legislative department Webster gave elaborate consideration. Just as no prior federal government had ever been divided into three departments, so no prior federal legislature had ever been divided into two houses.

The one-chamber body represented by the Continental Congress was the type of every other federal assembly that had ever preceded it. As stated heretofore the path-breaker, looking to the English bicameral system as it had appeared in the several States, proposed "That the Congress shall consist of two chambers, an upper and lower house, or senate and commons, with the concurrence of both necessary to every act; and that every State send one or more delegates to each house: this will subject every act to two discussions before two distinct chambers of men equally qualified for the debate, equally masters of the subject, and of equal authority in the decision." Citizens of the United States, to whom such a division now seems a matter of course, should remember that when Webster proposed it, it was an unprecedented novelty in the history of the world, so far as federal legislatures are concerned. After an elaborate discussion of the qualifications of members of Congress, in which he sharply assailed the then existing rule forbidding their reelection, he proceeded to define a part of the original jurisdiction of the Supreme Court of the United States by saying "that the supreme authority should be vested with powers to terminate and finally decide controversies arising between different States." He also said "To these I would add judges of law and chancery." Thus the entire federal judicial system was distinctly outlined. Above all he was careful to define the reserved powers of the States. On that subject he said: "I propose further, that the powers of Congress, and all the other departments acting under them, shall all be restricted to such matters only of general necessity and utility to all the States, as cannot come within the jurisdiction of any particular State, or to which the authority of any particular State is not competent: so that each particular State shall enjoy all sovereignty and supreme authority to all intents and purposes, excepting only those high authorities and powers by them delegated to Congress, for the purposes of the general union." In that passage we have the first draft, and a very complete one, of the

* *Spirit of Laws*, bk. xi. ch. 6.

† *Federalist*, xvi.

‡ In a letter written from Paris, December 16, 1786.

Tenth Amendment.* So it is a matter of documentary evidence that every element that entered into the "wholly novel theory, which may be considered a great discovery in modern political science," and which differentiates our second federal constitution of 1789 from every other that preceded it, was *the deliberate invention of Pelatiah Webster*, who announced to the world that theory, *as an entirety*, in his epoch-making paper of February 16, 1783. Prior to that date no federal government had ever existed (1) that operated directly on the individual citizen; (2) no federal government had ever been divided into three departments, executive, legislative, and judicial; (3) no federal legislature had ever been divided into an upper and lower house. There is no record, there is not even a claim that, prior to that date, any human being had ever propounded anyone of those principles in connection with a federal government. The great inventor was so conscious at the time of the magnitude of his undertaking that he exclaimed as he wrote:

"May Almighty wisdom direct my pen in this arduous discussion." In conclusion he said: "This vast subject lies with mighty weight on my mind, and I have bestowed on it my utmost attention, and here offer the public the best thoughts and sentiments I am master of. * * * I have not the vanity to imagine that my sentiments may be adopted; I shall have all the reward I wish or expect if my Dissertation shall throw any light on the great subject, shall excite an emulation of inquiry, and animate some abler

genius to form a plan of greater perfection, less objectionable, and more useful." In his republication of 1791 he described perfectly the circumstances under which the great invention of February 16, 1783, was made, when he said that, "the public ideas were not at all concentrated, much less arranged into any new system or form of government, which would obviate these evils. Under these circumstances I offered this Dissertation to the public." In that Dissertation, Pelatiah Webster presented, as a free gift to the great country that has neglected and forgotten him, the "new system or form of government" which passed, *through the four "plans" * offered in the Federal Convention of 1787* into the existing Constitution of the United States. Certainly no more "wonderful work was ever struck off at a given time by the brain and purpose of man." The outcome of that work was a novel and unique creation operating directly on the people, and not upon the States as corporations. The State governments are not subject to the central government. The people are subject to both governments. The new creation is in no respect federal in its operation, although it is in some respects federal in its organization. No one of the three basic principles constituting the great invention was seriously questioned in the Convention. Its mighty and immortal task involved only their adaptation to very difficult and complex political conditions. The inventor of the plan stands to the members of the Convention as an architect stands to master builders.

II. THE EPOCH-MAKING DOCUMENT OF FEBRUARY 16, 1783, IN WHICH IS EMBODIED THE FIRST DRAFT OF THE EXISTING CONSTITUTION OF THE UNITED STATES.†

A Dissertation on the Political Union and Constitution of the Thirteen United States of North America, which is necessary to their Preservation and Happiness; humbly offered to the Public. (First published in Philadelphia.)

I. The supreme authority of any State must have power enough to effect the ends of its appointment, otherwise these ends cannot be answered, and effectually secured; at best they are precarious.—But at the same time,

II. The supreme authority ought to be so limited and checked, if possible, as to prevent the abuse of power, or the exercise of powers that are

not necessary to the ends of its appointment, but hurtful and oppressive to the subject; but to limit a supreme authority so far as to diminish its dignity, or lessen its power of doing good, would be to destroy or at least to corrupt it, and render it ineffectual to its ends.

* It provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

†From *Senate Document 461*, 60th Congress, 1st session, pp. 23-53. It is given also in Hannis Taylor, *The Origin and Growth of the American Constitution*, app. xi. (Houghton Mifflin Co., 1911).

* At a later time a grave controversy arose as to "the singularly minute coincidences between the draft of a Federal government communicated by Mr. Charles Pinckney of South Carolina, to Mr. Adams, Secretary of State," the Virginia plan, and the Constitution as finally adopted. Every explanation was given of "the singularly minute coincidences," except the plain and obvious one — the four plans out of which the Constitution arose were taken from a common source. For a statement of the controversy in question see *Rives' Life and Times of Madison*, vol. II, pp. 353-357.

III. A number of sovereign States uniting into one Commonwealth, and appointing a supreme power to manage the affairs of the Union, do necessarily and unavoidably part with and transfer over to such supreme power, so much of their own sovereignty as is necessary to render the ends of the union effectual, otherwise their confederation will be an union without bands of union, like a cask without hoops, that may and probably will fall to pieces, as soon as it is put to any exercise which requires strength.

In like manner, every member of civil society parts with many of his natural rights, that he may enjoy the rest in greater security under the protection of society.

The Union of the Thirteen States of America is of mighty consequence to the security, sovereignty, and even liberty of each of them, and of all the individuals who compose them; united under a natural, well adjusted, and effectual Constitution, they are a strong, rich, growing power, with great resources and means of defence, which no foreign power will easily attempt to invade or insult; they may easily command respect.

As their exports are mostly either raw materials or provisions, and their imports mostly finished goods, their trade becomes a capital object with every manufacturing nation of Europe, and all the southern colonies of America; their friendship and trade will of course be courted, and each power in amity with them will contribute to their security.

Their union is of great moment in another respect; they thereby form a superintending power among themselves, that can moderate and terminate disputes that may arise between different States, restrain intestine violence, and prevent any recourse to the dreadful decision of the sword.

I do not mean here to go into a detail of all the advantages of our union; they offer themselves on every view, and are important enough to engage every honest, prudent mind, to secure and establish that union by every possible method, that we may enjoy the full benefit of it, and be rendered happy and safe under the protection it affords.

This union, however important, cannot be supported without a Constitution founded on principles of natural truth, fitness, and utility. If there is one article wrong in such Constitution, it will discover itself in practice, by its baleful operation, and destroy or at least injure the union.

Many nations have been ruined by the errors of their political constitutions. Such errors first introduce wrongs and injuries, which soon breed

discontents, which gradually work up into mortal hatred and resentments; hence inveterate parties are formed, which of course make the whole community a house divided against itself, which soon falls either a prey to some enemies without, who watch to devour them, or else crumble into their original constituent parts, and lose all respectability, strength, and security.

It is as physically impossible to secure to civil society, good cement of union, duration, and security without a Constitution founded on principles of natural fitness and right, as to raise timbers into a strong, compact building, which have not been framed upon true geometric principles; for if you cut one beam a foot too long or too short, not all the authority and all the force of all the carpenters can ever get it into its place, and make it fit with proper symmetry there.

As the fate then of all governments depends much upon their political constitutions, they become an object of mighty moment to the happiness and well-being of society; and as the framing of such a Constitution requires great knowledge of the rights of men and societies, as well as of the interests, circumstances, and even prejudices of the several parts of the community or commonwealth, for which it is intended; it becomes a very complex subject, and of course requires great steadiness and comprehension of thought, as well as great knowledge of men and things, to do it properly. I shall, however, attempt it with my best abilities, and hope from the candor of the public to escape censure, if I cannot merit praise.

I begin with my first and great principle, viz: That the Constitution must vest powers in every department sufficient to secure and make effectual the ends of it. The supreme authority must have the power of making war and peace—of appointing armies and navies—of appointing officers both civil and military—of making contracts—of emitting, coining, and borrowing money—of regulating trade—of making treaties with foreign powers—of establishing post-offices—and in short of doing everything which the well-being of the Commonwealth may require, and which is not compatible to any particular State, all of which require money, and cannot possibly be made effectual without it.

They must therefore of necessity be vested with power of taxation. I know this is a most important and weighty truth, a dreadful engine of oppression, tyranny, and injury, when ill used; yet, from the necessity of the case, it must be admitted.

For to give a supreme authority a power of making contracts, without any power of payment — of appointing officers civil and military, without money to pay them — a power to build ships, without any money to do it with — a power of emitting money, without any power to redeem it — or of borrowing money, without any power to make payment, etc., etc.— such solecisms in government are so nugatory and absurd, that I really think to offer further argument on the subject, would be to insult the understanding of my readers.

To make all these payments dependent on the votes of thirteen popular assemblies, who will undertake to judge of the propriety of every contract and every occasion of money, and grant or withhold supplies, according to their opinion, whilst at the same time the operations of the whole may be stopped by the vote of a single one of them, is absurd; for this renders all supplies so precarious and the public credit so extremely uncertain, as must in its nature render all efforts in war, and all regular administration in peace, utterly impracticable, as well as most pointedly ridiculous. Is there a man to be found who would lend money, or render personal services, or make contracts on such precarious security? Of this we have a proof of fact, the strongest of all proofs, a fatal experience, the surest tho' severest of all demonstration, which renders all other proof or argument on this subject quite unnecessary.

The present broken state of our finances — public debts and bankruptcies — enormous and ridiculous depreciation of public securities — with the total annihilation of our public credit — prove beyond all contradiction the vanity of all recourse to the federal Assemblies of the States. The recent instance of the duty of 5 per cent on imported goods, struck dead, and the bankruptcies which ensued on the single vote of Rhode Island, affords another proof of what it is certain may be done again in like circumstances.

I have another reason why a power of taxation or of raising money, ought to be vested in the supreme authority of our commonwealth, viz, the monies necessary for the public ought to be raised by a duty imposed on imported goods, not a bare 5 per cent or any other per cent on all imported goods indiscriminately, but a duty much heavier on all articles of luxury or mere ornament, and which are consumed principally by the rich or prodigal part of the community, such as silks of all sorts, muslins, cambricks, lawns, superfine cloths, spirits, wines, etc., etc.

Such an impost would ease the husbandman, the mechanic, and the poor; would have all the practical effects of a sumptuary law; would mend the economy, and increase the industry, of the community; would be collected without the shocking circumstances of collectors and their warrants; and make the quantity of tax paid, always depend on the choice of the person who pays it.

This tax can be laid by the supreme authority much more conveniently than by the particular Assemblies, and would in no case be subject to their repeals or modifications; and of course the public credit would never be dependent on, or liable to bankruptcy by the humors of any particular Assembly. In an Essay on Finance, which I design soon to offer to the public, this subject will be treated more fully. (See my Sixth Essay on Free Trade and Finance, p. 229.)

The delegates which are to form that august body, which are to hold and exercise the supreme authority, ought to be appointed by the States in any manner they please; in which they should not be limited by any restriction; their own dignity and the weight they will hold in the great public councils, will always depend on the abilities of the persons they appoint to represent them, there; and if they are wise enough to choose men of sufficient abilities, and respectable characters, men of sound sense, extensive knowledge, gravity, and integrity, they will reap the honor and advantage of such wisdom.

But if they are fools enough to appoint men of trifling or vile characters, of mean abilities, faulty morals, or despicable ignorance, they must reap the fruits of such folly, and content themselves to have no weight, dignity, or esteem in the public councils; and, what is more to be lamented by the Commonwealth, to do no good there.

I have no objection to the States electing and recalling their delegates as often as they please, but think it hard and very injurious both to them and the Commonwealth that they should be obliged to discontinue them after three years' service, if they find them on that trial to be men of sufficient integrity and abilities; a man of that experience is certainly much more qualified to serve in the place, than a new member of equal good character can be; experience makes perfect in every kind of business — old, experienced statesmen, of tried and approved integrity and abilities, are a great blessing to a State — they acquire great authority and esteem as well as wisdom, and very much contribute to keep the system of government in good and salutary order; and this furnishes the strongest reason why they should be continued in the service, on Plato's great

maxim, that "the man best qualified to serve, ought to be appointed."

I am sorry to see a contrary maxim adopted in our American counsels; to make the highest reason that can be given for continuing a man in the public administration, assigned as a constitutional and absolute reason for turning him out, seems to me to be a solecism of a piece with many other reforms, by which we set out to surprise the world with our wisdom.

If we should adopt this maxim in the common affairs of life, it would be found inconvenient, *e. g.*, if we should make it a part of our Constitution, that a man who has served a three years' apprenticeship to the trade of a tailor or shoemaker, should be obliged to discontinue that business for the three successive years, I am of opinion the country would soon be cleared of good shoemakers and tailors.—Men are no more born statesmen than shoemakers or tailors—Experience is equally necessary to perfection in both.

It seems to me that a man's inducement to qualify himself for a public employment, and make himself master of it, must be much discouraged by this consideration, that let him take whatever pains to qualify himself in the best manner, he must be shortly turned out, and of course it would be of more consequence to him, to turn his attention to some other business, which he might adopt when his present appointment should expire; and by this means the Commonwealth is in danger of losing the zeal, industry, and shining abilities, as well as services, of their most accomplished and valuable men.

I hear that the State of Georgia has improved on this blessed principle, and limited the continuance of their governors to one year; the consequence is, they have already the ghost of departed governors stalking about in every part of their State, and growing more plenty every year; and as the price of everything is reduced by its plenty, I can suppose governors will soon be very low there.

This doctrine of rotation was first proposed by some sprightly geniuses of brilliant politics, with this cogent reason; that by introducing a rotation in the public offices, we should have a great number of men trained up to public service; but it appears to me that it will be more likely to produce many jacks at all trades, but good at none.

I think that frequent elections are a sufficient security against the continuance of men in public office whose conduct is not approved, and there can be no reason for excluding those whose conduct is approved, and who are allowed to be better

qualified than any men who can be found to supply their places.

Another great object of government, is the apportionment of burdens and benefits; for if a greater quota of burden, or a less quota of benefits than is just and right, be allotted to any State, this ill apportionment will be an everlasting source of uneasiness and discontent. In the first case, the over-burdened State will complain; in the last case, all the States, whose quota of benefit is under-rated, will be uneasy; and this is a case of such delicacy, that it cannot be safely trusted to the arbitrary opinion or judgment of any body of men however august.

Some natural principles of confessed equity, and which can be reduced to a certainty, ought, if possible, to be found and adopted; for it is of the highest moment to the Commonwealth, to obviate, and, if possible, wholly to take away, such a fruitful and common source of infinite disputes, as that of apportionment of quotas has ever proved in all States of the earth.

The value of lands may be a good rule; but the ascertainment of that value is impracticable; no assessment can be made which will not be liable to exception and debate—to adopt a good rule in anything which is impracticable, is absurd; for it is physically impossible that anything should be good for practise, which cannot be practised at all; but if the value of lands was capable of certain assessment, yet to adopt that value as a rule of apportionment of quotas, and at the same time to except from valuation large tracts of sundry States of immense value, which have all been defended by the joint arms of the whole Empire, and for the defence of which no additional quota of supply is to be demanded of those States, to whom such lands are secured by such joint efforts of the States, is in its nature unreasonable, and will open a door for great complaint.

It is plain without argument, that such States ought either to make grants to the Commonwealth of such tracts of defended territory, or sell as much of them as will pay their proper quota of defence, and pay such sums into the public treasury; and this ought to be done, let what rule of quota forever be adopted with respect to the cultivated part of the United States; for no proposition of natural right and justice can be plainer than this, that every part of valuable property which is defended, ought to contribute its quota of supply for that defence.

If then the value of cultivated lands is found to be an impracticable rule of apportionment of

quotas, we have to seek for some other, equally just and less exceptionable.

It appears to me, that the number of living souls or human persons of whatever age, sex, or condition, will afford us a rule or measure of apportionment which will forever increase and decrease with the real wealth of the States, and will of course be a perpetual rule, not capable of corruption by any circumstances of future time; which is of vast consideration in forming a constitution which is designed for perpetual duration, and, which will in its nature, be as just as to the inhabited parts of each State, as that of the value of lands, or any other that has or can be mentioned.

Land takes its value not merely from the goodness of its soil, but from innumerable other relative advantages among which the population of the country may be considered as principal; as lands in a full settled country will always (*cæteris paribus*) bring more than lands in thin settlements. On this principle, when the inhabitants of Russia, Poland, etc., sell real estates, they do not value them as we do, by the number of acres, but by the number of people who live on them.

Where any piece of land has many advantages many people will crowd there to obtain them; which will create many competitors for the purchase of it; which will of course raise the price. Where there are fewer advantages, there will be fewer competitors, and of course a less price; and these two things will forever be proportionate to each other, and of course the one will always be a sure index of the other.

The only considerable objection I have ever heard to this, is, that the quality of inhabitants differs in the different States, and it is not reasonable that the black slaves in the southern States should be estimated on a par with the white freemen in the northern States. To discuss this question fairly, I think it will be just to estimate the neat value of the labor of both; and if it shall appear that the labor of the black person produces as much neat wealth to the southern State, as the labor of the white person does to the northern State, I think it will follow plainly that they are equally useful inhabitants in point of wealth; and therefore in the case before us, should be estimated alike.

And if the amazing profits which the southern planters boast of receiving from the labor of their slaves on their plantations, are real, the southern people have greatly the advantage in this kind of estimation, and as this objection comes principally from the southward, I should suppose that the

gentlemen from that part would blush to urge it any farther.

That the supreme authority should be vested with powers to terminate and finally decide controversies arising between different States, I take it, will be universally admitted, but I humbly apprehend that an appeal from the first instance of trial ought to be admitted in causes of great moment, on the same reasons that such appeals are admitted in all the States of Europe. It is well known to all men versed in courts, that the first hearing of a cause rather gives an opening to that evidence and reason which ought to decide it, than such a full examination and thorough discussion, as should always precede a final judgment, in causes of national consequence. A detail of reasons might be added, which I deem it unnecessary to enlarge on here.

The supreme authority ought to have a power of peace and war, and forming treaties and alliances with all foreign powers; which implies a necessity of their also having sufficient powers to enforce the obedience of all subjects of the United States to such treaties and alliances; with full powers to unite the force of the States; and direct its operations in war; and to punish all transgressors in all these respects; otherwise, by the imprudence of a few, the whole Commonwealth may be embroiled with foreign powers, and the operations of war may be rendered useless, or fail much of their due effect.

All these I conceive will be easily granted, especially the latter, as the power of Congress to appoint and direct the army and navy in war, with all departments thereto belonging, and punishing delinquents in them all, is already admitted into practice in the course of the present unhappy war, in which we have been long engaged.

II. But now the great and most difficult part of this weighty subject remains to be considered, viz, how these supreme powers are to be constituted in such manner that they may be able to exercise with full force and effect, the vast authorities committed to them, for the good and wellbeing of the United States, and yet be so checked and restrained from exercising them to the injury and ruin of the States, that we may with safety trust them with a commission of such vast magnitude—and may Almighty wisdom direct my pen in this arduous discussion.

1. The men who compose this important council, must be delegated from all the States; and, of course, the hope of approbation and continuance of honors, will naturally stimulate them to act right, and to please; the dread of censure and disgrace will naturally operate as a check to

restrain them from improper behavior: but however natural and forcible these motives may be, we find by sad experience, they are not always strong enough to produce the effects we expect and wish from them.

It is to be wished that none might be appointed that were not fit and adequate to this weighty business; but a little knowledge of human nature, and a little acquaintance with the political history of mankind, will soon teach us that this is not to be expected.

The representatives appointed by popular elections are commonly not only the legal, but real, substantial representatives of their electors, i. e., there will commonly be about the same proportion of grave, sound, well-qualified men, trifling, desultory men—wild or knavish schemers—and dull, ignorant fools, in the delegated assembly, as in the body of electors.

I know of no way to help this; such delegates must be admitted, as the States are pleased to send; and all that can be done is, when they get together, to make the best of them.

We will suppose then they are all met in Congress, clothed with that vast authority which is necessary to the wellbeing, and even existence, of the union, that they should be vested with; how shall we empower them to do all necessary and effectual good, and restrain them from doing hurt? To do this properly, I think we must recur to those natural motives of action, those feelings and apprehensions, which usually occur to the mind at the very time of action; for distant consequences, however weighty, are often too much disregarded.

Truth loves light, and is vindicated by it. Wrong shrouds itself in darkness, and is supported by delusion. An honest well-qualified man loves light, can bear close examination, and critical inquiry, and is best pleased when he is most thoroughly understood: a man of corrupt design, or a fool of no design, hates close examination and critical inquiry; the knavery of the one, and the ignorance of the other, are discovered by it, and they both usually grow uneasy before the investigation is half done. I do not believe that there is a more natural truth in the world, than that divine one of our Savior, "he that doth truth, cometh to the light." I would therefore recommend that mode of deliberation, which will naturally bring on the most thorough and critical discussion of the subject, previous to passing any act; and for that purpose humbly propose,

2. That the Congress shall consist of two chambers, an upper and a lower house, or senate

and commons, with the concurrence of both necessary to every act; and that every State send one or more delegates to each house: this will subject every act to two discussions before two distinct chambers of men equally qualified for the debate, equally masters of the subject, and of equal authority in the decision.

These two houses will be governed by the same natural motives and interests, viz, the good of the Commonwealth, and the approbation of the people. Whilst at the same time, the emulation naturally arising between them, will induce a very critical and sharp-sighted inspection into the motions of each other. Their different opinions will bring on conferences between the two houses, in which the whole subject will be exhausted in arguments pro and con, and shame will be the portion of obstinate convicted error.

Under these circumstances, a man of ignorance or evil design will be afraid to impose on the credulity, inattention, or confidence of his house, by introducing any corrupt or undigested proposition, which he knows he must be called on to defend against the severe scrutiny and poignant objections of the other house. I do not believe the many hurtful and foolish legislative acts which first or last have injured all the States on earth, have originated so much in corruption as indolence, ignorance, and a want of a full comprehension of the subject, which a full, prying and emulous discussion would tend in a great measure to remove: this naturally rouses the lazy and idle, who hate the pain of close thinking; animates the ambitious to excel in policy and argument; and excites the whole to support the dignity of their house, and vindicate their own propositions.

I am not of the opinion that bodies of elective men, which usually compose Parliaments, Diets, Assemblies, Congresses, etc., are commonly dishonest: but I believe it rarely happens that there are not designing men among them; and I think it would be much more difficult for them to unite their partisans in two houses, and corrupt or deceive them both, than to carry on their designs where there is but one unalarmed, unapprehensive house to be managed; and as there is no hope of making these bad men good, the best policy is to embarrass them, and make their work as difficult as possible.

In these assemblies are frequently to be found sanguine men, upright enough indeed, but of strong, wild projection, whose brains are always teeming with Utopian, chimerical plans, and political whims, very destructive to society. I hardly know a greater evil than to have the

supreme council of a Nation played off on such men's wires; such baseless visions at best end in darkness, and the dance, though easy and merry enough at first, rarely fails to plunge the credulous, simple followers into sloughs and bogs at last.

Nothing can tend more effectually to obviate these evils, and to mortify and cure such maggoty brains, than to see the absurdity of their projects exposed by the several arguments and keen satire which a full, emulous, and spirited discussion of the subject will naturally produce: we have had enough of these geniuses in the short course of our politics, both in our national and provincial councils, and have felt enough of their evil effects, to induce us to wish for any good method to keep ourselves clear of them in future.

The consultations and decisions of national councils are so very important, that the fate of millions depends on them, therefore no man ought to speak in such assemblies, without considering that the fate of millions hangs on his tongue,—and of course a man can have no right in such august councils to utter undigested sentiments, or indulge himself in sudden, unexamined flights of thought; his most tried and improved abilities are due to the State, who have trusted him with their most important interests.

A man must therefore be most inexcusable, who is either absent during such debates, or sleeps, or whispers, or catches flies during the argument, and just rouses when the vote is called, to give his yea or nay, to the weal or woe of a nation. Therefore it is manifestly proper, that every natural motive that can operate on his understanding, or his passions, to engage his attention and utmost efforts, should be put in practise, and that his present feelings should be raised by every motive of honor and shame, to stimulate him to every practicable degree of diligence and exertion, to be as far as possible useful in the great discussion.

I appeal to the feelings of every reader, if he would not (were he in either house) be much more strongly and naturally induced to exert his utmost abilities and attention to any question which was to pass through the ordeal of a spirited discussion of another house, than he would do, if the absolute decision depended on his own house, without any further inquiry or challenge on the subject.

As Congress will ever be composed of men delegated by the several States, it may well be supposed that they have the confidence of their

several States, and understand well the policy and present condition of them; it may also be supposed that they come with strong local attachments, and habits of thinking limited to the interests of their particular States; it may therefore be supposed they will need much information, in order to their gaining that enlargement of ideas, and great comprehension of thought, which will be necessary to enable them to think properly on that large scale, which takes into view the interests of all the States.

The greatest care and wisdom is therefore requisite to give them the best and surest information, and of that kind that may be the most safely relied on, to prevent their being deluded or prejudiced by partial representations, made by interested men who have particular views.

This information may perhaps be best made by the great ministers of state, who ought to be men of the greatest abilities and integrity; their business is confined to their several departments, and their attention engaged strongly and constantly to all the several parts of the same; the whole arrangement, method, and order of which, are formed, superintended, and managed in their offices, and all information relative to their department centre there.

These ministers will of course have the best information, and most perfect knowledge, of the state of the Nation, as far as it relates to their several departments, and will of course be able to give the best information to Congress, in what manner any bill proposed will affect the public interest in their several departments, which will nearly comprehend the whole.

The Financier manages the whole subject of revenues and expenditures—the Secretary of State takes knowledge of the general policy and internal government—the minister of war presides in the whole business of war and defense—and the minister of foreign affairs regards the whole state of the nation, as it stands related to, or connected with, all foreign powers.

I mention a Secretary of State, because all other nations have one, and I suppose we shall need one as much as they, and the multiplicity of affairs which naturally fall into his office will grow so fast, that I imagine we shall be under the necessity of appointing one.

To these I would add Judges of Law, and chancery; but I fear they will not be very soon appointed—the one supposes the existence of law, the other of equity—and when we shall be altogether convinced of the absolute necessity of the real and effectual existence of both of

these, we shall probably appoint proper heads to preside in those departments. I would therefore propose,

3. That when any bill shall pass the second reading in the house in which it originates, and before it shall be finally enacted, copies of it shall be sent to each of the said ministers of state, in being at the time, who shall give said house in writing, the fullest information in their power, and their most explicit sentiments of the operation of the said bill on the public interest, as far as relates to their respective departments, which shall be received and read in said house, and entered on their minutes, before they finally pass the bill; and when they send the bill for concurrence to the other house, they shall send therewith the said informations of the said ministers of state, which shall likewise be read in that house before their concurrence is finally passed.

I do not mean to give these great ministers of state a negative on Congress, but I mean to oblige Congress to receive their advices before they pass their bills, and that every act shall be void that is not passed with these forms; and I further propose, that either house of Congress may, if they please, admit the said ministers to be present and assist in the debates of the house, but without any right of vote in the decision.

It appears to me that if every act shall pass so many different corps of discussion before it is completed, where each of them stake their characters on the advice or vote they give, there will be all the light thrown on the case, which the nature and circumstances of it can admit, and any corrupt man will find it extremely difficult to foist in any erroneous clause whatever; and every ignorant or lazy man will find the strongest inducements to make himself master of the subject, that he may appear with some tolerable degree of character in it; and the whole will find themselves in a manner compelled, diligently and sincerely to seek for the real state of the facts, and the natural fitness and truths arising from them, *i. e.*, the whole natural principles on which the subjects depend, and which alone can endure every test, to the end that they may have not only the inward satisfaction of acting properly and usefully for the States, but also the credit and character which is or ought ever to be annexed to such a conduct.

This will give the great laws of Congress the highest probability, presumption, and means of right, fitness, and truth, that any laws whatever can have at their first enactment and will of course afford the highest reason for the confidence and

acquiescence of the States, and all their subjects, in them; and being grounded in truth and natural fitness, their operations will be easy, salutary, and satisfactory.

If experience shall discover error in any law (for practise will certainly discover such errors, if there be any) the legislature will always be able to correct them, by such repeals, amendments, or new laws as shall be found necessary; but as it is much easier to prevent mischiefs than to remedy them, all possible caution, prudence, and attention should be used, to make the laws right at first.

4. There is another body of men among us, whose business of life, and whose full and extensive intelligence, foreign and domestic, naturally make them more perfectly acquainted with the sources of our wealth, and whose particular interests are more intimately and necessarily connected with the general prosperity of the country, than any other order of men in the States. I mean the Merchants; and I could wish that Congress might have the benefit of that extensive and important information, which this body of men are very capable of laying before them.

Trade is of such essential importance to our interests, and so intimately connected with all our staples, great and small, that no sources of our wealth can flourish, and operate to the general benefit of the community, without it. Our husbandry, that great staple of our country, can never exceed our home consumption without this — it is plain at first sight, that the farmer will not toil and sweat through the year to raise great plenty of the produce of the soil, if there is no market for his produce, when he has it ready for sale, *i. e.*, if there are no merchants to buy it.

In like manner, the manufacturer will not lay out his business on any large scale, if there is no merchant to buy his fabrics when he has finished them; a vent is of the most essential importance to every manufacturing country — the merchants, therefore, become the natural negotiators of the wealth of the country, who take off the abundance, and supply the wants, of the inhabitants; — and as this negotiation is the business of their lives, and the source of their own wealth, they of course become better acquainted with both our abundance and wants, and are more interested in finding and improving the best vent for the one, and supply of the other, than any other men among us, and they have a natural interest in making both the purchase and supply as convenient to their customers as possible, that they may secure their custom, and thereby increase their own business.

It follows then, that the merchants are not only qualified to give the fullest and most important information to our supreme legislature, concerning the state of our trade—the abundance and wants—the wealth and poverty, of our people, *i. e.*, their most important interests, but are also the most likely to do it fairly and truly, and to forward with their influence, every measure which will operate to the convenience and benefit of our commerce, and oppose with their whole weight and superior knowledge of the subject, any wild schemes, which an ignorant or arbitrary legislature may attempt to introduce, to the hurt and embarrassment of our intercourse both with one another, and with foreigners.

The States of Venice and Holland have ever been governed by merchants, or at least their policy has ever been under the great influence of that sort of men. No States have been better served, as appears by their great success, the ease and happiness of their citizens, as well as the strength and riches of their Commonwealths: the one is the oldest, and the other the richest, State in the world of equal number of people—the one has maintained sundry wars with the Grand Turk—the other has withstood the power of Spain and France; and the capitals of both have long been the principal marts of the several parts of Europe in which they are situated; and the banks of both are the best supported, and in the best credit, of any banks in Europe, though their countries or territories are very small, and their inhabitants but a handful, when compared with the great States in their neighbourhood.

Merchants must, from the nature of their business, certainly understand the interests and resources of their country, the best of any men in it; and I know not of any one reason why they should be deemed less upright or patriotic, than any other rank of citizen whatever.

I therefore humbly propose, if the merchants in the several States are disposed to send delegates from their body, to meet and attend the sitting of Congress, that they shall be permitted to form a chamber of commerce, and their advice to Congress be demanded and admitted concerning all bills before Congress, as far as the same may affect the trade of the States.

I have no idea that the continent is made for Congress: I take them to be no more than the upper servants of the great political body, who are to find out things by study and inquiry as other people do; and therefore I think it necessary to place them under the best possible advantages for information, and to require them to improve all those advantages, to qualify themselves in the

best manner possible, for the wise and useful discharge of the vast trust and mighty authority reposed in them; and as I conceive the advice of the merchants to be one of the greatest sources of mercantile information, which is anywhere placed within their reach, it ought by no means to be neglected, but so husbanded and improved, that the greatest possible advantages may be derived from it.

Besides this, I have another reason why the merchants ought to be consulted; I take it to be very plain that the husbandry and manufactures of the country must be ruined, if the present rate of taxes is continued on them much longer, and of course a very great part of our revenue must arise from imposts on merchandise, which will fall directly within the merchants' sphere of business, and of course their concurrence and advice will be of the utmost consequence, not only to direct the properest mode of levying those duties but also to get them carried into quiet and peaceable execution.

No men are more conversant with the citizens, or more intimately connected with their interest, than the merchants, and therefore their weight and influence will have a mighty effect on the minds of the people. I do not recollect an instance, in which the Court of London ever rejected the remonstrances and advices of the merchants, and did not suffer severely for their pride. We have some striking instances of this in the disregarded advices and remonstrances of very many English merchants against the American war, and their fears and apprehensions we see verified, almost like prophecies by the event.

I know not why I should continue this argument any longer or indeed why I should have urged it so long, in as much as I cannot conceive that Congress or anybody else will deem it below the dignity of the supreme power to consult so important an order of men, in matters of the first consequence, which fall immediately under their notice, and in which their experience, and of course their knowledge and advice, are preferable to those of any other order of men.

Besides the benefits which Congress may receive from this institution, a chamber of commerce, composed of members from all trading towns in the States, if properly instituted and conducted, will produce very many, I might almost say, innumerable advantages of singular utility to all the States—it will give dignity, uniformity, and safety to our trade—establish the credit of the bank—secure the confidence of foreign merchants—prove in very many instances a fruitful source of improvement of our staples and mutual

intercourse—correct many abuses—pacify contents—unite us in our interests, and thereby cement the general union of the whole Commonwealth—will relieve Congress from the pain and trouble of deciding many intricate questions of trade which they do not understand, by referring them over to this chamber, where they will be discussed by an order of men, the most competent to the business of any that can be found, and most likely to give a decision that shall be just, useful, and satisfactory.

It may be objected to all this, that the less complex and the more simple every constitution is, the nearer it comes to perfection: this argument would be very good, and afford a very forcible conclusion, if the government of men was like that of the Almighty, always founded on wisdom, knowledge and truth; but in the present imperfect state of human nature, where the best of men know but in part, and must recur to advice and information for the rest, it certainly becomes necessary to form a constitution on such principles, as will secure that information and advice in the best and surest manner possible.

It may be further objected that the forms herein proposed will embarrass the business of Congress, and make it at best slow and dilatory. As far as this form will prevent the hurrying a bill through the house without due examination, the objection itself becomes an advantage—at most these checks on the supreme authority can have no further effect than to delay or destroy a good bill, but cannot pass a bad one; and I think it much better in the main, to lose a good bill than to suffer a bad one to pass into a law.—Besides it is not to be supposed that clear, plain cases will meet with embarrassment, and it is most safe that untried, doubtful, difficult matters should pass through the gravest and fullest discussion, before the sanction of the law is given to them.

But what is to be done if the two houses grow jealous and ill-natured, and after all their information and advice, grow out of humor and insincere, and no concurrence can be obtained? I answer, sit still and do nothing until they get into a better humor: I think this is much better than to pass laws in such a temper and spirit, as the objection supposes.

It is however an ill compliment to so many grave personages, to suppose them capable of throwing aside their reason, and giving themselves up like children to the control of their passions; or, if this should happen for a moment, that it should continue any length of time, is hardly to be presumed of a body of men placed

in such high stations of dignity and importance, with the eyes of all the world upon them—but if they should, after all, be capable of this, I think it madness to set them to making laws, during such fits—it is best, when they are in no condition to do good, to keep them from doing hurt—and if they do not grow wiser in reasonable time, I know of nothing better, than to be ashamed of our old appointments, and make new ones.

But what if the country is invaded, or some other exigency happens, so pressing that the safety of the State requires an immediate resolution? I answer, what would you do if such a case should happen, where there was but one house, unchecked, but equally divided, so that a legal vote could not be obtained. The matter is certainly equally difficult and embarrassed in both cases: but in the case proposed I know of no better way than that which the Romans adopted on the like occasion, viz., that both houses meet in one chamber, and choose a dictator, who should have and exercise the whole power of both houses, till such time as they should be able to concur in displacing him, and that the whole power of the two houses should be suspended in the meantime.

5. I further propose, that no grant of money whatever shall be made, without an appropriation, and that rigid penalties (no matter how great, in my opinion the halter would be mild enough) shall be inflicted on any person, however august his station, who should give order, or vote for the payment, or actually pay one shilling of such money to any other purpose than that of its appropriation, and that no order whatever of any superior in office shall justify such payment, but every order shall express what funds it is drawn upon, and what appropriation it is to be charged to, or the order shall not be paid.

This kind of embezzlement is of so fatal a nature, that no measures or bounds are to be observed in curing it; when ministers will set forth the most specious and necessary occasions for money, and induce the people to pay it in full tale; and when they have gotten possession of it, to neglect the great objects for which it was given, and pay it, sometimes squander it away, for different purposes, oftentimes for useless, yea, hurtful ones, yea, often even to bribe and corrupt the very officers of government, to betray their trust, and contaminate the State, even in its public offices—to force people to buy their own destruction, and pay for it with their hard labor, the very sweat of their brow, is a

crime of so high a nature, that I know not any gibbet too cruel for such offenders.

6. I would further propose, that the aforesaid great ministers of state shall compose a Council of State, to whose number Congress may add three others, viz, one from New England, one from the middle States, and one from the southern States, one of which to be appointed President by Congress; to all of whom shall be committed the supreme executive authority of the States (all and singular of them ever accountable to Congress) who shall superintend all the executive departments, and appoint all executive officers, who shall ever be accountable to, and removable for just cause by, them or Congress, *i. e.*, either of them.

7. I propose further, that the powers of Congress, and all other departments, acting under them, shall all be restricted to such matters only of general necessity and utility to all the States, as cannot come within the jurisdiction of any particular State, or to which the authority of any particular State is not competent: so that each particular State shall enjoy all sovereignty and supreme authority to all intents and purposes, excepting only those high authorities and powers by them delegated to Congress, for the purposes of the general union.

There remains one very important article still to be discussed, viz, what methods the Constitution shall point out, to enforce the acts and requisitions of Congress through the several States; and how the States which refuse or delay obedience to such acts and requisitions, shall be treated: this, I know, is a particular of the greatest delicacy, as well as of the utmost importance; and therefore, I think, ought to be decidedly settled by the Constitution, in our coolest hours, whilst no passions or prejudices exist, which may be excited by the great interests or strong circumstances of any particular case which may happen.

I know that supreme authorities are liable to err, as well as subordinate ones. I know that courts may be in the wrong, as well as the people; such is the imperfect state of human nature in all ranks and degrees of men; but we must take human nature as it is; it cannot be mended; and we are compelled both by wisdom and necessity, to adopt such methods as promise the greatest attainable good, though perhaps not the greatest possible, and such as are liable to the fewest inconveniences, though not altogether free of them.

This is a question of such magnitude, that I think it necessary to premise the great natural

principles on which its decision ought to depend — In the present state of human nature, all human life is a life of chances; it is impossible to make any interest so certain, but there will be a chance against it; and we are in all cases obliged to adopt a chance against us, in order to bring ourselves within the benefit of a greater chance in our favor; and that calculation of chances which is grounded on the great natural principles of truth and fitness, is of all others the most likely to come out right.

1. No laws of any State whatever, which do not carry in them a force which extends to their effectual and final execution, can afford a certain or sufficient security to the subject: this is too plain to need any proof.

2. Laws or ordinances of any kind (especially of august bodies of high dignity and consequence), which fail of execution are much worse than none; they weaken the government; expose it to contempt; destroy the confidence of all men, natives and foreigners, in it; and expose both aggregate bodies and individuals, who have placed confidence in it, to many ruinous disappointments, which they would have escaped, had no law or ordinance been made: therefore,

3. To appoint a Congress with powers to do all acts necessary for the support and uses of the union; and at the same time to leave all the States at liberty to obey them or not with impunity, is, in every view, the grossest absurdity, worse than a state of nature without any supreme authority at all, and at best a ridiculous effort of childish nonsense: and of course,

4. Every State in the Union is under the highest obligation to obey the supreme authority of the whole, and in the highest degree amenable to it, and subject to the highest censure for disobedience — Yet all this notwithstanding, I think the soul that sins shall die, *i. e.*, the censure of the great supreme power, ought to be so directed, if possible, as to light on those persons, who have betrayed their country, and exposed it to dissolution, by opposing and rejecting that supreme authority, which is the band of our union, and from whence proceeds the principal strength and energy of our government.

I therefore propose, that every person whatever, whether in public or private character, who shall, by public vote or overt act, disobey the supreme authority, shall be amenable to Congress, shall be summoned and compelled to appear before Congress, and, on due conviction, suffer such fine, imprisonment, or other punishment, as the supreme authority shall judge requisite.

It may be objected here, that this will make a Member of Assembly accountable to Congress for his vote in Assembly; I answer, it does so in this case only, viz., when that vote is to disobey the supreme authority; no Member of Assembly can have right to give such a vote, and therefore ought to be punished for so doing—When the supreme authority is disobeyed, the government must lose its energy and effect, and of course the Empire must be shaken to its very foundation.

A government which is but half executed, or whose operations may all be stopped by a single vote, is the most dangerous of all institutions.—See the present Poland, and ancient Greece buried in ruins, in consequence of this fatal error in their policy. A government which has not energy and effect, can never afford protection or security to its subjects, i. e., must ever be ineffectual to its own ends.

I cannot therefore admit, that the great ends of our Union should lie at the mercy of a single State, or that the energy of our government should be checked by a single disobedience, or that such disobedience should ever be sheltered from censure and punishment; the consequence is too capital, too fatal to be admitted. Even though I know very well that a supreme authority, with all its dignity and importance, is subject to passions like other lesser powers, that they may be and often are heated, violent, oppressive, and very tyrannical; yet I know also, that perfection is not to be hoped for in this life, and we must take all institutions with their natural defects, or reject them altogether: I will guard against these abuses of power as far as possible, but I cannot give up all government, or destroy its necessary energy, for fear of these abuses.

But to fence them out as far as possible, and to give the States as great a check on the supreme authority, as can consist with its necessary energy and effect,

I propose that any State may petition Congress to repeal any law or decision which they have made, and if more than half the States do this, the law or decision shall be repealed, let its nature or importance be however great, excepting only such acts as create funds for the public credit, which shall never be repealed till their end is effected, or other funds equally effectual are substituted in their place; but Congress shall not be obliged to repeal any of these acts, so petitioned against, till they have time to lay the reasons of such acts before such petitioning States, and to receive their answer; because such petitions may arise from sudden heats, popular prejudices, or

the publication of matters false in fact, and may require time and means of cool reflection and the fullest information, before the final decision is made: but if after all more than half of the States persist in their demand of a repeal, it shall take place.

The reason is, the uneasiness of a majority of States affords a strong presumption that the act is wrong, for uneasiness arises much more frequently from wrong than right; but if the act was good and right, it would still be better to repeal and lose it, than to force the execution of it against the opinion of a major part of the States; and lastly, if every act of Congress is subject to this repeal, Congress itself will have stronger inducement not only to examine well the several acts under their consideration, but also to communicate the reasons of them to the States, than they would have if their simple vote gave the final stamp of irrevocable authority to their acts.

Further I propose, that if the execution of any act or order of the supreme authority shall be opposed by force in any of the States (which God forbid) it shall be lawful for Congress to send into such State a sufficient force to suppress it.

On the whole, I take it that the very existence and use of our union essentially depends on the full energy and final effect of the laws made to support it; and therefore I sacrifice all other considerations to this energy and effect, and if our Union is not worth this purchase, we must give it up—the nature of the thing does not admit of any other alternative.

I do contend that our Union is worth this purchase—with it, every individual rests secure under its protection against foreign or domestic insult and oppression—without it, we can have no security against the oppression, insult, and invasion of foreign powers; for no single State is of importance enough to be an object of treaty with them, nor, if it was, could it bear the expense of such treaties, or support any character or respect in a dissevered state, but must lose all respectability among the nations abroad.

We have a very extensive trade, which cannot be carried on with security and advantage, without treaties of commerce and alliance with foreign nations.

We have an extensive western territory which cannot otherwise be defended against the invasion of foreign nations, bordering on our frontiers, who will cover it with their own inhabitants, and we shall lose it forever, and our extent of empire be thereby restrained; and what is worse, their numerous posterity will in future time drive ours

into the sea, as the Goths and Vandals formerly conquered the Romans in like circumstances, unless we have the force of the union to repel such invasions. We have, without the Union, no security against the inroads and wars of one State upon another, by which our wealth and strength, as well as ease and comfort, will be devoured by enemies growing out of our own bowels.

I conclude then, that our union is not only of the most essential consequence to the well-being of the States in general but to that of every individual citizen of them, and of course ought to be supported, and made as useful and safe as possible, by a Constitution which admits that full energy and final effect of government which alone can secure its great ends and uses.

In a dissertation of this sort, I would not wish to descend to minutiae, yet there are some small matters which have important consequences, and therefore ought to be noticed. It is necessary that Congress should have all usual and necessary powers of self-preservation and order, *e. g.*, to imprison for contempt, insult, or interruption, etc., and to expel their own members for due causes, among which I would rank that of non-attendance on the house, or partial attendance without such excuse as shall satisfy the house.

Where there is such vast authority and trust devolved on Congress, and the grand and most important interests of the Empire rest on their decisions, it appears to me highly unreasonable that we should suffer their august consultations to be suspended, or their dignity, authority, and influence lessened by the idleness, neglect, and non-attendance of its members; for we know that the acts of a thin house do not usually carry with them the same degree of weight and respect as those of a full house.

Besides I think, when a man is deputed a delegate in Congress, and has undertaken the business, the whole Empire becomes of course possessed of a right to his best and constant services, which if any member refuses or neglects, the Empire is injured and ought to resent the injury, at least so far as to expel and send him home, that so his place may be better supplied.

I have one argument in favor of my whole plan, viz, it is so formed that no men of dull intellects, or small knowledge, or of habits too idle for constant attendance, of close and steady attention, can do the business with any tolerable degree of respectability, nor can they find either honor, profit, or satisfaction in being there, and of course, I could wish that the choice of the electors might never fall on such a man, or if it should, that

he might have sense enough (of pain at least, if not of shame) to decline his acceptance.

For after all that can be done, I do not think that a good administration depends wholly on a good Constitution and good laws, for insufficient or bad men will always make bad work, and a bad administration, let the Constitution and laws be ever so good; the management of able, faithful, and upright men alone can cause an administration to brighten, and the dignity and wisdom of an Empire to rise into respect; make truth the line and measure of public decision; give weight and authority to the government, and security and peace to the subject.

We now hope that we are on the close of a war of mighty effort and great distress, against the greatest power on earth, whetted into the most keen resentment and savage fierceness, which can be excited by wounded pride, and which usually rises higher between brother and brother offended, than between strangers in contest. Twelve of the Thirteen United States have felt the actual and cruel invasions of the enemy, and eleven of our capitals have been under their power, first or last, during the dreadful conflict; but a good Providence, our own virtue and firmness, and the help of our friends, have enabled us to rise superior to all the power of our adversaries, and made them seek to be at peace with us.

During the extreme pressures of the war, indeed many errors in our administration have been committed, when we could not have experience and time for reflection, to make us wise; but these will easily be excused, forgiven, and forgotten, if we can now, while at leisure, find virtue, wisdom, and foresight enough to correct them, and form such establishments, as shall secure the great ends of our union, and give dignity, force, utility, and permanency to our Empire.

It is a pity we should lose the honor and blessings which have cost us so dear, for want of wisdom and firmness, in measures, which are essential to our preservation. It is now at our option, either to fall back into our original atoms, or form such an union, as shall command the respect of the world, and give honor and security to our people.

This vast subject lies with mighty weight on my mind, and I have bestowed on it my utmost attention, and here offer the public the best thoughts and sentiments I am master of. I have confined myself in this dissertation entirely to the nature, reason, and truth of my subject, without once adverting to the reception it might meet

with from men of different prejudices or interests. To find the truth, not to carry a point, has been my object.

I have not the vanity to imagine that my sentiments may be adopted; I shall have all the re-

ward I wish or expect, if my dissertation shall throw any light on the great subject, shall excite an emulation of inquiry, and animate some abler genius to form a plan of greater perfection, less objectionable, and more useful.

NOTES APPENDED BY PELATIAH WEBSTER TO THE PUBLICATION MADE AT PHILADELPHIA IN 1791,

NOTE 1.

1. Forming a plan of confederation, or a system of general government of the United States, engrossed the attention of Congress from the declaration of independence, July 4, 1776, till the same was completed by Congress, July 9, 1778, and recommended to the several States for ratification; which finally took place, March 1, 1781; from which time the said confederation was considered as the grand constitution of the general government, and the whole administration was conformed to it.

And as it had stood the test of discussion in Congress for two years, before they completed and adopted it, and in all the States for three years more, before it was finally ratified, one would have thought that it must have been a very finished and perfect plan of government.

But on trial of it in practice, it was found to be extremely weak, defective, totally inefficient, and altogether inadequate to its great ends and purposes. For,

1. It blended the legislative and executive powers together in one body.

2. This body, viz., Congress, consisted of but one house, without any check upon their resolutions.

3. The powers of Congress in very few instances were definitive and final; in the most important articles of government they could do no more than recommend to the several States; the consent of every one of which was necessary to give legal sanction to any act so recommended.

4. They could assess and levy no taxes.

5. They could institute and execute no punishments, except in the military department.

6. They had no power of deciding or controlling the contentions and disputes of different States with each other.

7. They could not regulate the general trade: or,

8. Even make laws to secure either public treaties with foreign States, or the persons of public ambassadors, or to punish violations or injuries done to either of them.

9. They could institute no general judiciary powers.

10. They could regulate no public roads, canals, or inland navigation, etc., etc., etc.

And what caps all the rest was, that (whilst under such an inefficient political constitution, the only chance we had of any tolerable administration lay wholly in the prudence and wisdom of the men who happened to take the lead in our public councils) it was fatally provided by the absurd doctrine of rotation, that if any Member of Congress by three years' experience and application, had qualified himself to manage our public affairs with consistency and fitness, that he should be constitutionally and absolutely rendered incapable of serving any longer, till by three years' discontinuance, he had pretty well lost the cue or train of the public counsels, and forgot the ideas and plans which made his service useful and important; and, in the mean time, his place should be supplied by a fresh man, who had the whole matter to learn, and when he had learned it, was to give place to another fresh man; and so on to the end of the chapter.

The sensible mind of the United States, by long experience of the fatal mischiefs of anarchy, or (which is about the same thing) of this ridiculous, inefficient form of government, began to apprehend that there was something wrong in our policy, which ought to be redressed and mended; but nobody undertook to delineate the necessary amendments.

I was then pretty much at leisure, and was fully of opinion (though the sentiment at that time would not very well bear) that it would be ten times easier to form a new constitution than to mend the old one. I therefore sat myself down to sketch out the leading principles of that political constitution, which I thought necessary to the preservation and happiness of the United States of America, which are comprised in this Dissertation.

I hope the reader will please to consider, that these are the original thoughts of a private individual dictated by the nature of the subject only, long before the important theme became the great object of discussion, in the most digni-

fied and important assembly, which ever sat or decided in America.

NOTE 2.

At the time when this Dissertation was written (Feb. 16, 1783) the defects and insufficiency of the Old Federal Constitution were universally felt and acknowledged; was manifest, not only that the internal police, justice, security and peace of the States could never be preserved under it, but the finances and public credit would necessarily become so embarrassed, precarious, and void of support, that no public movement, which depended on the revenue, could be managed with any effectual certainty: but though the public mind was under full conviction of all these mischiefs, and was contemplating a remedy, yet the public ideas were not at all concentrated, much less arranged into any new system or form of government, which would obviate these evils. Under these circumstances I offered this Dissertation to the public: how far the principles of it were adopted or rejected in the New Constitution, which was four years afterwards (Sept. 17, 1787) formed by the General Convention, and since ratified by all the States, is obvious to every one.

I wish here to remark the great particulars of my plan which were rejected by the Convention.

1. My plan was to keep the legislative and executive departments entirely distinct; the one to consist of the two houses of Congress, the other to rest entirely in the Grand Council of State.

2. I proposed to introduce a Chamber of Commerce, to consist of merchants, who should be consulted by the legislature in all matters of trade and revenue, and which should have the conducting of the revenue committed to them.

The first of these the Convention qualified; the second they say nothing of, *i. e.*, take no notice of it.

3. I proposed that the great officers of state should have the perusal of all bills, before they were enacted into laws, and should be required to give their opinion of them, as far as they affected the public interest in their several departments; which report of them Congress should cause to be read in their respective houses, and entered on their minutes. This is passed over without notice.

4. I proposed that all public officers appointed by the executive authority, should be amenable both to them and to the legislative power, and removable for just cause by either of them. This is qualified by the Convention.

And in as much as my sentiments in these respects were either qualified or totally neglected by the Convention, I suppose they were wrong; however, the whole matter is submitted to the politicians of the present age, and to our posterity in future.

In sundry other things, the Convention have gone into minutiae, *e. g.*, respecting elections of President, Senators, and Representatives in Congress, etc., which I proposed to leave at large to the wisdom and discretion of Congress, and of the several States.

Great reasons may doubtless be assigned for their decision, and perhaps some little ones for mine. Time, the great arbiter of all human plans, may, after a while, give his decision; but neither the Convention nor myself will probably live to feel either the exultation or mortification of his approbation or disapprobation of either of our plans.

But if any of these questions should in future time become objects of discussion, neither the vast dignity of the Convention, nor the low, unnoticed state of myself, will be at all considered in the debates; the merits of the matter, and the interests connected with or arising out of it, will alone dictate the decision.

CHAPTER VI.

1787.

FRAMING OF THE CONSTITUTION.

Opening of the Convention — Madison's preparations — Prominent members — Defects to be remedied — Randolph presents the Virginia plan — Charles Pinckney's plan — Debate on the Virginia plan — The question of representation — The New Jersey plan — Hamilton's plan — Debate upon Senate and House and the votes of the States — Proposal of the committee of compromise — Debate on the inclusion of slaves for representation purposes — The question of taxation and representation — The term of the executive — The resolutions referred to the committee of detail — The Constitution as reported by the committee of detail — The various compromises — Sectional differences over commerce and slavery — The Constitution engrossed and signed — Washington's letter transmitting Constitution to Congress — Omissions from the Constitution. Appendix to Chapter VI.—I. Members of Federal Convention. II. The Constitution.

When Monday, May 14, 1787, arrived, but few of the delegates had assembled at Philadelphia, those from Virginia and Pennsylvania being the only ones present, and it was not until the 25th of the month that a quorum of seven States was present.* On that day the members of the Convention assembled at the State-house and organized for business. Washington was placed in the chair as president† and Major William Jackson was appointed secretary.‡ The credentials of the delegates were examined and a committee appointed to prepare rules, the convention then adjourning until the 28th. The delegates from Massachusetts and Connecticut in the meantime arrived at Philadelphia. New Hampshire had also appointed hers, but as her treasury was empty

and as no funds could be raised, her delegates did not put in an appearance for some weeks;* and it was not until the latter part of July that all the States except Rhode Island were represented in the Convention. Consequently, when the Convention reassembled on May 28 only nine States were present. The doors were then closed and a pledge of secrecy was exacted from each member, and it was not until Madison's Journal of the debates of the convention was published by order of Congress in 1818 that the proceedings of the Convention were fully known.‡

Of the members of the Convention (or the "Assembly of demigods" as

* Madison's *Works* (Congress ed.), vol. i., p. 331.

† Curtis, *Constitutional History*, vol. i., p. 328; Bancroft, vol. vi., pp. 208-212. On the actions of Rhode Island, see Bates, *Rhode Island and the Formation of the Union*, p. 153 et seq.

‡ McMaster, *United States*, vol. i., p. 418. See also Frothingham, *Rise of the Republic*, chap. xii.; Hildreth, *History of the United States*, vol. iii., pp. 482-526; Bancroft, vol. vi., pp. 207-367.

* For a list of the members of the Convention, see Appendix i. at the end of the present chapter.

† Sparks, *Life of Washington*, p. 402; Elliot, *Debates*, vol. v., p. 123.

‡ Schouler, *United States*, vol. i., p. 39; Madison's *Works* (Congress ed.), vol. i., p. 329.

Jefferson calls it*) Madison was among the most active and undoubtedly deserves the chief consideration. He had prepared himself carefully for the work in view, studying all the Old World confederacies and reading all books that contained views pertinent to American problems.† One of the Georgia delegates wrote: "In the management of every great question he evidently took the lead in the Convention. * * * From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed man of any point in debate."‡ In the Pennsylvania delegation were Robert Morris, who took no share in the public discussions, but appreciated the need of revising the Confederation; Gouverneur Morris, a powerful speaker and a brilliant debater, to whose ability to write plain yet forcible English we owe the final form of the Constitution; and James Wilson, who, with Madison, performed prodigious labors in the first half of the Convention, speaking for a broader national life. Alexander Hamilton was the principal delegate from New York, the other

two, Lansing and Yates, being of mediocre attainments. Hamilton favored a strong central government. From Connecticut came William Samuel Johnson, president of Columbia College, a man of great breadth of view; Oliver Ellsworth, a prominent lawyer and judge of the superior court of Connecticut; and Roger Sherman, a man of sound political principles and rugged honesty of purpose. Elbridge Gerry and Rufus King were the best known of the Massachusetts delegates, both having been members of Congress. From New Jersey came William Patterson and from Delaware came John Dickinson, "the penman of the Revolution," "one of the ablest lawyers and most scholarly men of his day." Of the Maryland delegates, Luther Martin, a learned lawyer, was the most prominent, while the South Carolina delegates—John Rutledge, Pierce Butler and the two Pinckneys—Charles and Charles C.—were all men of strength.*

After organizing for business a rule was adopted that "a house, to do business, shall consist of the deputies of not less than seven states, and all questions shall be decided by the greater number of these which shall be fully represented." When Congress passed the resolution for a con-

* Or "heroes, sages, and demigods" as John Adams says: *Works*, vol. viii., p. 452.

† Rives, *Life and Times of James Madison*, vol. ii., p. 208 *et seq.*; Hunt, *Life of Madison*, chap. xii., also p. 134 *et seq.* His "Notes of Ancient and Modern Confederacies, preparatory to the federal Convention of 1787," will be found in Madison's *Works* (Congress ed.), vol. i., pp. 293-315, 320-328.

‡ Pierce in *American Historical Review*, vol. iii., p. 331.

* McLaughlin, *The Confederation and the Constitution*, pp. 188-190; Thorpe, *The Story of the Constitution*, p. 112 *et seq.* See also the review of the lives and works of these men in Curtis, *Constitutional History*, vol. i., pp. 270-314.

Dear Sir

Montpelier May 13. 1828.

Perceiving that I am indebted to you for a copy of the Report to the Senate relating to the "Colonization of persons of colour" I return the thanks due to your politeness. The Document contains much interesting matter, and denotes an able hand in the preparation of it. I find it more easy however, to accede to its conclusion, ^{as} the power claimed for Congress, than to some of the positions & reasonings employed on the occasion. You will not, I am sure, take it amiss, if I here point to an error of fact in your "Observations on Mr. Foots amendment." It struck me when first reading them; but escaped my attention when thanking you for the copy with which you favoured me. The threatening contest, in the Convention of 1787, did not, as you supposed, turn on the degree of power to be granted to the Federal Government, but on the rule by which the States were to be represented and vote in the Government; the smaller States insisting on the rule of equality in all respects, the larger on the rule of proportion to inhabitants: and the compromise which ensued was that which established an equality in the Senate, and an inequality in the House of Representatives. The contests & compromises turning on the grants of power, tho' very important in some instances, were knots of a less Gordian character.

With great esteem & good wishes

James Madison

Mr. Van Buren

MADISON'S LETTER TO VAN BUREN ON THE CRUCIAL POINT IN THE ADOPTION OF THE CONSTITUTION.

vention, the members had not contemplated that the Articles themselves would be completely superseded by a Constitution,* but when the members actually convened, they were deeply impressed with the conviction that merely to revise the Articles would be wholly insufficient to remedy the glaring defects existing in the present government. The further the members got into the debates the greater seemed the necessity for making a radical change in the existing laws. Accordingly, the members of the Convention nerved themselves to the work of preparing such a constitution as would not only preserve the separate existence and the rights of all the States but would combine them into one great Confederacy. In fact the act of the Convention was in itself revolutionary.†

The ills that afflicted or were supposed to afflict the body politic were many and varied. Almost all seemed to agree that times were hard, though there were some who thought the people extravagant; some thought

the merchants were the cause of the trouble; there were too many merchants and lawyers, while agriculture and manufacturing were falling into decay; money was scarce, and paper should be issued; farmers' sons would rather become merchants; etc. Benjamin Franklin took a correct view of the situation in a pamphlet published at this time which he called *Consolation for America, or Remarks on Our Real Situation, Interests and Policy*. He said that the most important business of the continent was agriculture; that there were perhaps one hundred farmers to every merchant; and that nowhere in the world were farmers better paid for their produce. But instead of following their natural trade, too many of them turned shopkeepers. There were therefore too many shopkeepers for the number of buyers and, of course, trade was dead. Again the merchants were importing more than the people could buy, and naturally they complained of languishing trade. Agriculture and the fisheries were the sources of wealth, and farmers and fishermen were the chief customers of the merchants; therefore, if all the farmers turned merchants, it was to be expected that trade would be slow. To remedy this, he recommended that the farmers and fishermen return to their proper vocations.* It was generally admitted

* Upon returning to Maryland, Luther Martin said: "We had not been sent to form a government over the inhabitants of America considered as individuals. * * * That the system of government we were intrusted to prepare was a government over these thirteen States; but that in our proceedings we adopted principles which would be right and proper only on the supposition that there were no state governments at all, but that all the inhabitants of this extensive continent were in their individual capacity, without government, and in a state of nature."—Gay, *Life of Madison*, pp. 92-93.

† Gordy, *Political History of the United States*, vol. i., pp. 89-91.

* McMaster, *United States*, vol. i., pp. 423-427.

that the most radical defect in the Articles of Confederation was the fact that the States might comply with or disregard, as they saw fit, the recommendations of Congress, and therefore the most pressing duty before the Convention was to remedy this evil. None of the leaders, however, wished to erect a complete democracy. The democratic sentiment had not favored the holding of the Convention and had not sought to send its champions as delegates. The Convention was regarded from the first as an assemblage of federalists.*

The serious work of the Conven-

* Hunt, *Life of Madison*, pp. 117-118. Writing to John G. Jackson, December 27, 1821, Madison said: "That most of us carried into the Convention a profound impression, produced by the experienced inadequacy of the old Confederation, and by the monitory examples of all similar ones, ancient and modern, as to the necessity of binding the States together by a strong Constitution, is certain. The necessity of such a Constitution was enforced by the gross and disreputable inequalities which had been prominent in the internal administrations of most of the States. Nor was the recent and alarming insurrection, headed by Shays, in Massachusetts, without a very sensible effect on the public mind. Such, indeed, was the aspect of things, that, in the eyes of all the best friends of liberty, a crisis had arrived which was to decide whether the American experiment was to be a blessing to the world, or to blast forever the hopes which the republican cause had inspired; and what is not to be overlooked, the disposition to give to a new system all the vigor consistent with Republican principles was not a little stimulated by a backwardness in some quarters towards a Convention for the purpose, which was ascribed to a secret dislike to popular Government, and a hope that delay would bring it more into disgrace, and pave the way for a form of Government more congenial with monarchical or aristocratical predilections."—*Madison's Works* (Congress ed.), vol. iii., p. 244.

tion began on the morning of May 29, when, after the roll of delegates had been called, Edmund Randolph rose and made a long and vigorous speech, in which he pointed out the faults of the Confederation and besought the delegates to assist him in establishing a strong government. In his opening speech, Randolph said:

"The Confederation was made in the infancy of the science of constitutions, when the inefficiency of requisitions was unknown; when no commercial discord had arisen among states; when no rebellion like that in Massachusetts had broken out; when foreign debts were not urgent; when the havoc of paper money had not been foreseen; when treaties had not been violated; and when nothing better could have been conceded by states jealous of their sovereignty. But it offered no security against foreign invasion, for Congress could neither prevent nor conduct a war, nor punish infractions of treaties or of the law of nations, nor control particular states from provoking war. The federal government has no constitutional power to check a quarrel between separate states; nor to suppress a rebellion in any one of them; nor to establish a productive impost; nor to counteract the commercial regulations of other nations; nor to defend itself against the encroachments of the states. From the manner in which it has been ratified in many of the states, it cannot be claimed to be paramount to the state constitutions; so that there is a prospect of anarchy from the inherent laxity of the government. As the remedy, the government to be established must have for its basis the republican principle."*

As the spokesman of the Virginia delegates, he then presented for the consideration of the Convention a set

* See Fiske, *Critical Period of American History*, pp. 235-236; Gilpin's ed. of *Madison Papers*, vol. ii., p. 729 *et seq.* See also the resumé of this speech, in Gaillard Hunt's ed. of *Madison's Journal of the Debates in the Convention which Framed the Constitution of the United States*, vol. i., pp. 13-15 (1908, hereinafter cited as Hunt, *Madison's Journal*).

of fifteen resolutions which were to form the basis of the new Constitution and which became known as the Virginia plan.* These resolutions had been formulated with great labor and care by the seven Virginia delegates while awaiting the arrival at Philadelphia of a quorum of all the delegates.† They were as follows:‡

1. *Resolved*, that the Articles of Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution; namely, common defence, security of liberty, and general welfare.

2. *Resolved*, therefore, that the rights of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

3. *Resolved*, that the National Legislature ought to consist of two branches.

4. *Resolved*, that the members of the first branch of the National Legislature ought to be elected by the people of the several States every

for the term of; to be the age of years at least; to receive liberal stipends by which they may be compensated for the devotion of their time to the public service; to be ineligible to any office established by a particular State, or under the authority of the United States, except those particularly belonging to the functions of the first branch, during the term of service, and for the space of after its expiration; to be incapable of re-election for the space of after the expiration of their term of service, and to be subject to recall.

5. *Resolved*, that the members of the second branch of the National Legislature ought to be elected by those of the first, out of a proper number of persons nominated by the individual Legislatures, to be of the age of years at least; to hold their offices for a term sufficient to ensure their independency; to receive liberal stipends, by which they may be compensated for the devotion of their time to the public service; and to be ineligible to any office established by a particular State, or under the authority of the United States, except those peculiarly belonging to the functions of the second branch, during the term of service; and for the space of after the expiration thereof.

6. *Resolved*, that each branch ought to possess the right of originating acts; that the National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the Confederation, and moreover to legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation; to negative all laws passed by the several States contravening, in the opinion of the National Legislature, the Articles of the Union, or any treaty subsisting under the authority of the Union; and to call forth the force of the Union against any member of the Union failing to fulfil its duty under the Articles thereof.

7. *Resolved*, that a National Executive be instituted; to be chosen by the National Legislature for the term of; to receive punctually, at stated times, a fixed compensation for the services rendered, in which no increase nor diminution shall be made, so as to affect the magistracy existing at the time of increase or diminution; and to be ineligible a second time; and that, besides a general authority to execute the national laws, it ought to enjoy the executive rights vested in Congress by the Confederation.

8. *Resolved*, that the Executive, and a convenient number of the national Judiciary, ought to compose a Council of Revision, with authority

* Hunt's ed. of *Madison's Writings*, vol. iii., p. 15; Hunt, *Madison's Journal*, vol. i., pp. 15-18. Writing to Washington, Jay had said: "Let Congress legislate, let others execute, let others judge. Shall we have a King? Not in my opinion, while other opinions remain untried. Might we not have a governor-general, limited in his prerogatives and duration? Might not Congress be divided into an upper and lower house, the former appointed for life, the latter annually, and let the governor-general (to preserve the balance), with the advice of a council, for that only purpose, of the great judicial officers, have a negative on their acts? * * * What powers should be granted to the government, so constituted? * * * I think the more, the better; the States retaining only so much as may be necessary for domestic purposes, and all their principal officers, civil and military, being commissioned and removable by the national government."—Jay, *Life of John Jay*, vol. i., pp. 254-255; Pellew, *John Jay*, pp. 249-250.

† Rowland, *Life of George Mason*, vol. ii., p. 101. For a short discussion of Randolph's plan, see Conway, *Edmund Randolph*, p. 71 *et seq.*

‡ See Taylor, *Origin and Growth of the American Constitution*, App. xij

to examine every act of the National Legislature, before it shall operate, and every act of a particular Legislature before a negative thereon shall be final; and that the dissent of the said Council shall amount to a rejection, unless the act of the National Legislature be again passed, or that of a particular Legislature be again negatived by of the members of each branch.

9. *Resolved*, that a National Judiciary be established; to consist of one or more supreme tribunals, and of inferior tribunals to be chosen by the National Legislature; to hold their offices during good behaviour, and to receive punctually, at stated times, fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution. That the jurisdiction of the inferior tribunals shall be to hear and determine, in the first instance, and of the supreme tribunal to hear and determine, in the dernier resort, all piracies and felonies on the high seas; captures from an enemy; cases in which foreigners, or citizens of other States, applying to such jurisdictions, may be interested; or which respect the collection of the national revenue; impeachments of any national officers, and questions which may involve the national peace and harmony.

10. *Resolved*, that provision ought to be made for the admission of States lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the National Legislature less than the whole.

11. *Resolved*, that a republican government, and the territory of each State, except in the instance of a voluntary junction of government and territory, ought to be guaranteed by the United States to each State.

12. *Resolved*, that provision ought to be made for the continuance of Congress and their authorities and privileges, until a given day after the reform of the Articles of Union shall be adopted, and for the completion of all their engagements.

13. *Resolved*, that provision ought to be made for the amendment of the Articles of Union, whenever it shall seem necessary; and that the assent of the National Legislature ought not to be required thereto.

14. *Resolved*, that the legislative, executive, and judiciary powers, within the several States ought to be bound by oath to support the Articles of Union.

15. *Resolved*, that the amendments which shall be offered to the Confederation, by the Conven-

tion, ought at a proper time or times, after the approbation of Congress, to be submitted to an assembly or assemblies of representatives, recommended by the several Legislatures to be expressly chosen by the people to consider and decide thereon. . . . It was then *Resolved*, that the House will tomorrow resolve itself into a Committee of the Whole House, to consider of the state of the American Union; and that the propositions moved by Mr. Randolph be referred to said Committee.

Charles Pinckney of South Carolina then arose and presented a draft of a Federal government which he himself had prepared.* This plan was based on the same principles as that of Randolph.† It proposed that the legislature should be divided into two branches, and that there should be executive and judicial departments and a negative on the acts of the States. It was referred to the committee of the whole, but no part of it was ever used and no copy of it has been preserved.‡ In 1818, however, Pinckney furnished a copy of this plan to John Quincy Adams, then Secretary of State. It is as follows:

We, the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish the following Con-

* Hunt's ed. of *Madison's Writings*, vol. iii., p. 22. See also Hannis Taylor, *The Origin and Growth of the American Constitution*, App. xiii.; *American Historical Review*, vol. ix., pp. 735-747; *Annual Report of the American Historical Association*, for 1902, vol. i., pp. 111-132; Hunt, *Madison's Journal*, vol. i., pp. 19-31.

† Elliot, *Debates*, vol. i., p. 391.

‡ Bancroft, vol. vi., p. 216; McMaster, *United States*, vol. i., p. 439.

stitution for the government of ourselves and posterity.

ARTICLE I.

The style of this government shall be: The United States of America, and the government shall consist of supreme legislative, executive and judicial powers.

ARTICLE II.

The legislative power shall be vested in a Congress, to consist of two separate Houses; one to be called the House of Delegates; and the other the Senate, who shall meet on the day of in every year.

ARTICLE III.

The members of the House of Delegates shall be chosen every year by the people of the several States; and the qualification of the electors shall be the same as those of the electors in the several States for their Legislatures. Each member shall have been a citizen of the United States for years; and shall be of years of age, and a resident in the State he is chosen for. Until a census of the people shall be taken in the manner hereinafter mentioned, the House of Delegates shall consist of to be chosen from the different States in the following proportions: for New Hampshire,; for Massachusetts,; for Rhode Island,; for Connecticut,; for New York,; for New Jersey,; for Pennsylvania,; for Delaware,; for Maryland,; for Virginia,; for North Carolina,; for South Carolina,; for Georgia,; and the Legislature shall hereinafter regulate the number of Delegates by the number of inhabitants, according to the provisions hereinafter made, at the rate of one for every thousand. All money bills of every kind shall originate in the House of Delegates; and shall not be altered by the Senate. The House of Delegates shall exclusively possess the power of impeachment, and shall choose its own officers; and vacancies therein shall be supplied by the executive authority of the States in the representation from which they shall happen.

ARTICLE IV.

The Senate shall be elected and chosen by the House of Delegates; which House, immediately after their meeting, shall choose by ballot Senators from among the citizens and residents of New Hampshire; from among those of Massachusetts; from among those of Rhode Island; from among those of

Connecticut; from among those of New York; from among those of New Jersey; from among those of Pennsylvania; from among those of Delaware; from among those of Maryland; from among those of Virginia; from among those of North Carolina; from among those of South Carolina; and from among those of Georgia. The Senators chosen from New Hampshire, Massachusetts, Rhode Island, and Connecticut, shall form one class; those from New York, New Jersey, Pennsylvania and Delaware, one class; and those from Maryland, Virginia, North Carolina, South Carolina and Georgia, one class. The House of Delegates shall number these classes one, two, and three; and fix the times of their service by lot. The first class shall serve for years; the second for years; and the third for years. As their times of service expire, the House of Delegates shall fill them up by elections for years; and they shall fill all vacancies that arise from death or resignation, for the time of service remaining of the members so dying or resigning. Each Senator shall be years of age at least; and shall have been a citizen of the United States for four years before his election; and shall be a resident of the State he is chosen from. The Senate shall choose its own officers.

ARTICLE V.

Each State shall prescribe the time and manner of holding elections by the people for the House of Delegates; and the House of Delegates shall be the judges of the elections, returns, and qualifications of their members.

In each House a majority shall constitute a quorum to do business. Freedom of speech and debate in the Legislature shall not be impeached, or questioned, in any place out of it; and the members of both Houses shall in all cases, except for treason, felony, or breach of the peace, be free from arrest during their attendance on Congress, and in going to and returning from it. Both Houses shall keep Journals of their proceedings, and publish them, except on secret occasions; and the Yeas and Nays may be entered thereon at the desire of one of the members present. Neither House, without the consent of the other, shall adjourn for more than days, nor to any place but where they are sitting.

The members of each House shall not be eligible to, or capable of holding any office under the Union, during the time for which they have been respectively elected; nor the members of the Senate

for one year after. The members of each House shall be paid for their services by the States which they represent. Every bill which shall have passed the Legislature shall be presented to the President of the United States for his revision; if he approves it, he shall sign it; but if he does not approve it, he shall return it, with his objections, to the House it originated in; which House, if two thirds of the members present, notwithstanding the President's objections, agree to pass it, shall send it to the other House, with the President's objections; where if two thirds of the members present also agree to pass it, the same shall become a law; and all bills sent to the President, and not returned by him within days, shall be laws, unless the Legislature, by their adjournment prevent their return; in which case they shall not be laws.

ARTICLE VI.

The Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises;

To regulate commerce with all nations, and among the several States;

To borrow money and emit bills of credit;

To establish post-offices;

To raise armies;

To build and equip fleets;

To pass laws for arming, organizing, and disciplining the militia of the United States;

To subdue a rebellion in any State, on application of its Legislature;

To coin money, and regulate the value of all coins, and to fix the standard of weights and measures;

To provide such dockyards and arsenals, and erect such fortifications as may be necessary for the United States, and to exercise exclusive jurisdiction therein;

To appoint a Treasurer, by ballot;

To constitute tribunals inferior to the Supreme Court;

To establish post and military roads;

To establish and provide for a national university at the seat of government of the United States;

To establish uniform rules of naturalization;

To provide for the establishment of a seat of government for the United States, not exceeding miles square, in which they shall have exclusive jurisdiction;

To make rules concerning captures from an enemy;

To declare the law and punishment of piracies

and felonies at sea, and of counterfeiting coin, and of all offences against the laws of nations;

To call forth the aid of the militia to execute the laws of the Union, enforce treaties, suppress insurrections, and repel invasions;

And to make all laws for carrying the foregoing powers into execution.

The Legislature of the United States shall have the power to declare the punishment of treason, which shall consist only in levying war against the United States, or any of them, or in adhering to their enemies. No person shall be convicted of treason but by the testimony of two witnesses.

The proportion of direct taxation shall be regulated by the whole number of inhabitants of every description; which number shall, within years after the first meeting of the Legislature, and within the term of every year after, be taken in the manner to be prescribed by the Legislature.

No tax shall be laid on articles exported from the States; nor capitation tax but in proportion to the census before directed.

All laws regulating commerce shall require the assent of two thirds of the members present in each House. The United States shall not grant any title of nobility. The Legislature of the United States shall pass no law on the subject of religion; nor touching or abridging the liberty of the press; nor shall the privilege of writ of Habeas Corpus ever be suspended, except in case of rebellion or invasion.

All acts made by the Legislature of the United States, pursuant to this Constitution, and all treaties made under the authority of the United States, shall be the supreme law of the land; and all judges shall be bound to consider them as such in their decisions.

ARTICLE VII.

The Senate shall have the sole and exclusive power to declare war; and to make treaties; and to appoint ambassadors and other Ministers to foreign nations; and judges of the Supreme Court.

They shall have the exclusive power to regulate the manner of deciding all disputes and controversies now existing, or which may arise, between the States, respecting jurisdiction of territory.

ARTICLE VIII.

The executive power of the United States shall be vested in a President of the United States of America, which shall be his style; and his title shall be His Excellency. He shall be elected for

..... years; and shall be re-eligible. He shall from time to time give information to the Legislature of the state of the Union, and recommend to their consideration the measures he may think necessary. He shall take care that the laws of the United States be duly executed. He shall commission all the officers of the United States; and, except as to ambassadors, other ministers, and judges of the Supreme Court, he shall nominate, and with the consent of the Senate, appoint, all other officers of the United States. He shall receive public ministers from foreign nations; and may correspond with the Executives of the different States. He shall have power to grant pardons and reprieves, except in impeachments. He shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States; and shall receive a compensation which shall not be increased or diminished during his continuance in office. At entering on the duties of his office, he shall take an oath faithfully to execute the duties of a President of the United States. He shall be removed from his office on impeachment by the House of Delegates, and conviction in the Supreme Court of treason, bribery or corruption. In case of his removal, death, resignation or disability, the President of the Senate shall exercise the duties of his office until another President be chosen. And in case of the death of the President of the Senate, the Speaker of the House of Delegates shall do so.

ARTICLE IX.

The Legislature of the United States shall have the power, and it shall be their duty, to establish such courts of law, equity, and admiralty, as shall be necessary.

The judges of the courts shall hold their offices during good behaviour; and receive a compensation, which shall not be increased or diminished during their continuance in office. One of these courts shall be termed the Supreme Court; whose jurisdiction shall extend to all cases arising under the laws of the United States, or affecting ambassadors, other public ministers and consuls; to the trial of impeachment of officers of the United States; to all cases of admiralty and maritime jurisdiction. In cases of impeachment affecting ambassadors and other public ministers, this jurisdiction shall be original; and in all other cases appellate.

All criminal offences, except in cases of impeachment, shall be tried in the State where they shall be committed. The trials shall be open and public, and shall be by jury.

ARTICLE X.

Immediately after the first census of the people of the United States, the House of Delegates shall apportion the Senate by electing for each State, out of the citizens resident therein, one Senator for every members each State shall have in the House of Delegates. Each State shall be entitled to have at least one member in the Senate.

ARTICLE XI.

No State shall grant letters of marque and reprisal, or enter into a treaty, or alliance, or confederation; nor grant any title of nobility; nor without the consent of the Legislature of the United States, lay any impost on imports; nor keep troops or ships of war in time of peace; nor enter into compacts with other States or foreign powers; nor emit bills of credit; nor make anything but gold, silver, or copper, a tender in payment of debts; nor engage in war except for self-defence when actually invaded, or the danger of invasion be so great as not to admit of a delay until the Government of the United States can be informed thereof. And to render their prohibitions effectual, the Legislature of the United States shall have power to revise the laws of the several States that may be supposed to infringe the powers exclusively delegated by this Constitution to Congress, and to negative and annul such as do.

ARTICLE XII.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. Any person, charged with crimes in any State, fleeing from justice to another, shall, on demand of the Executive of the State from which he fled, be delivered up, and removed to the State having jurisdiction of the offence.

ARTICLE XIII.

Full faith shall be given, in each State, to the acts of the Legislature, and to the records and judicial proceedings of the courts and magistrates, of every State.

ARTICLE XIV.

The Legislature shall have power to admit new States into the Union, on the same terms with the original States; provided two thirds of the members present in both Houses agree.

ARTICLE XV.

On the application of the Legislature of a State, the United States shall protect it against domestic insurrection.

ARTICLE XVI.

If two thirds of the Legislature of the States apply for the same, the Legislature of the United States shall call a convention for the purpose of amending the Constitution or, should Congress, with the consent of two thirds of each House, propose to the States amendments to the same, agreement of two thirds of the Legislatures of the States shall be sufficient to make the said amendments parts of the Constitution.

The ratification of the conventions of States shall be sufficient for organizing this Constitution.

Ordered that the said draft be referred to the Committee of the Whole appointed to consider the state of the American Union.

The Virginia plan was referred to the committee of the whole and debated and amended with great care during the next two weeks.* On May 30 discussion began, when Randolph moved that "A national government ought to be established consisting of supreme legislative, executive, and judiciary."† C. C. Pinckney said that this was beyond the power of the Convention, as they were supposed only to revise the existing Articles of Confederation.‡ The supremacy of the Federal government was then questioned, but Madison said that a National government ought to be established and not a "federal one among sovereign states."|| It was decided that the States should give way to the Federal government when their powers conflicted, six States (Massachusetts, Pennsylvania, Delaware, Virginia,

North Carolina and South Carolina) voting in favor of this, while Connecticut voted against and New York was divided.* .

The New Jersey delegation was seated the next day (May 31) and then the third resolution, that the national legislature should consist of two branches, was passed, Pennsylvania alone dissenting, probably because of complaisance to Franklin's known partiality to a single house.† The fourth resolution, regarding the popular election of representatives, provoked an animated discussion—Elbridge Gerry, Roger Sherman, Martin, Rutledge and the two Pinckneys speaking against it, and George Mason, Madison, Hamilton, Wilson, and Dickinson in favor. Gerry said: "The evils we experience flow from the excess of democracy. The people do not want virtue but are the dupes of pretended patriots," but Wilson said, "Without the confidence of the people no government, least of all a republican government, can long subsist. * * * The election of the first branch by the people is not the corner-stone only but the foundation of the fabric," while Hamilton added the weight of his influence by saying: "It is essential to the democratic rights of the community that the first branch be directly elected by the

* Bancroft, vol. vi., pp. 215-230.

† Hunt's ed. of Madison's *Writings*, vol. iii., p. 37.

‡ Hunt, Madison's *Journal*, vol. i., p. 33.

|| Gilpin, *Madison Papers*, vol. ii., p. 752.

* Hunt, Madison's *Journal*, vol. i., p. 36; McLaughlin, *The Confederation and the Constitution*, pp. 195-196; Curtis, *Constitutional History*, vol. i., p. 333, note.

† Hunt, Madison's *Journal*, vol. i., p. 39.

people." Mason argued that the larger branch "ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole republic but also from different districts of the larger members of it."* Sounder opinion prevailing, the resolution was finally passed by the vote of six States (Massachusetts, New York, Pennsylvania, Virginia, North Carolina and Georgia) to two (New Jersey and South Carolina), with Connecticut and Delaware divided.† The following three days were spent in discussing the question as to whether there should be a single executive or more than one; some of the delegates advocating three. Rutledge, Sherman, and Wilson argued in favor of a single executive, Randolph urged that "the great requisites for the executive department—vigor, dispatch and responsibility" would be found better in three men than in one, while Gerry favored an executive council "in order to give weight and inspire confidence."‡ But by a vote of seven States to three a single executive was decided upon.|| On June 2 it was

decided that the executive should be chosen by the National legislature for a term of seven years, Massachusetts, Connecticut, New York, Delaware, Virginia, North Carolina, South Carolina and Georgia voting in the affirmative, while Pennsylvania and Maryland voted in the negative.*

On May 31 a resolution was adopted bestowing on the National legislature the right to negative such laws as might in its opinion contravene the Articles of Union or any treaties subsisting under the authority of the Union.† This was decided by a vote of nine States (Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina and Georgia), Connecticut being divided.‡ So rapidly did the work of the Convention go forward that by June 5 a large portion of the Virginia plan had been adopted in committee. On the following day the manner of choosing the members of the first branch of the legislature again came up for discussion. Charles Pinckney declared in favor of election by the State legislature, but this was negatived by a vote of eight States (Massachusetts, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and Georgia) against three (Connecticut, New Jersey and

* Fiske, *Critical Period*, pp. 242-243; Hunt, *Madison's Journal*, vol. i., pp. 40-42.

† McMaster, vol. i., pp. 440-441; Curtis, *Constitutional History*, vol. i., p. 336, note; Hunt, *Madison's Journal*, vol. i., p. 42.

‡ Hunt, *Madison's Journal*, vol. i., pp. 49-52, 62, 66 *et seq.*; Fiske, *Critical Period*, pp. 277-278.

|| New York, Delaware and Maryland voted no. Curtis, *Constitutional History*, vol. i., p. 351; Hunt, *Madison's Journal*, p. 69.

* Hunt, *Madison's Journal*, vol. i., pp. 56-57.

† McLaughlin, *The Confederation and the Constitution*, p. 202; Hunt, *Madison's Journal*, vol. i., pp. 45-48.

‡ Hunt, *Madison's Journal*, vol. i., p. 47, and for the reconsideration of the subject, pp. 101-107.

South Carolina). Gerry said that often the worst men would succeed in getting into the legislature;* Wilson and George Mason argued in favor of popular elections;† while Dickinson declared that one branch of the legislature should be drawn immediately from the people and that the State legislatures ought to choose the other.‡ On June 7 it was decided by a vote of ten States that the second branch should be chosen as Mr. Dickinson suggested.||

Thus far all had gone comparatively smoothly, but the rock upon which the convention split and nearly foundered was the subject of representation in the two legislative branches of the government, the question being first brought up by William Patterson of New Jersey on June 9.§ Judge David Brearly of New Jersey spoke first against basing the representation on population and he was followed by Patterson, both using practically the same arguments. Brearly said that according to the Virginia plan Virginia, Massachusetts, and Pennsylvania would carry everything before them. He said that—

“It was known to him, from facts within New Jersey, that where large and small counties were united into a district for electing representatives for the district, the large counties always carried

their point, and consequently the large States would do so. Virginia with her sixteen votes will be a solid column indeed, a formidable phalanx. While Georgia with her solitary vote and the other little States will be obliged to throw themselves constantly into the scale of some large one, in order to have any weight at all. * * * Is it fair, then, it will be asked, that Georgia should have an equal vote with Virginia? He would not say it was. What remedy, then? Only one: that a map of the United States be spread out, that all the existing boundaries be erased, and that a new partition of the whole be made into thirteen equal parts.”*

After saying that the Convention should keep within the limits prescribed in order that it might not be charged with usurpation, Patterson said:

“A Confederacy supposes sovereignty in the members composing it, and sovereignty supposes equality. If we are to be considered as a nation, all state distinctions must be abolished, the whole must be thrown into hotchpot, and when an equal division is made, then there may be fairly an equality of representation.”†

He said also that—

“there was no more reason that a great individual state contributing much, should have more votes than a small one contributing little, than that a rich individual citizen should have more votes than an indigent one. * * * Give the large states an influence in proportion to their magnitude and what will be the consequence? Their ambition will be proportionately increased and the small states will have everything to fear. * * * Shall I submit the welfare of New Jersey with five votes in a council where Virginia has sixteen?”‡

James Wilson of Pennsylvania spoke in favor of the population basis, pointing out the absurdity and

* *Ibid.*, vol. i., p. 84.

† Hunt's ed. of *Madison's Writings*, vol. iii., p. 101; Hunt, *Madison's Journal*, vol. i., pp. 84-85, 86.

‡ *Ibid.*, vol. i., p. 89.

§ *Ibid.*, vol. i., pp. 94-101.

§ Schouler, *United States*, vol. i., p. 23.

* Hunt, *Madison's Journal*, vol. i., p. 110; Fiske, *Critical Period*, p. 247.

† Hunt, *Madison's Journal*, vol. i., p. 111.

‡ Fiske, *Critical Period*, p. 247; Hunt, *Madison's Journal*, p. 112.

injustice of giving 150,000 men in one part of the country as much weight in the government as 750,000 in another part. "The gentlemen from New Jersey is candid," he said. "He declares his opinions boldly. I commend him for it. I will be equally candid. * * * I will never confederate on his principles." Gunning Bedford of Delaware was especially violent. He said:

"Pretenses to support ambition are never wanting. The cry is, where is the danger? and it is insisted that although the powers of the general government will be increased, yet it will be for the good of the whole; and although the three great states form nearly a majority of the people of America, they never will injure the lesser states. *Gentlemen, I do not trust you.* If you possess the power the abuse of it could not be checked; and what then would prevent you from exercising it to our destruction? * * * Sooner than be ruined, *there are foreign powers who will take us by the hand.* I say this not to threaten nor intimidate, but that we should reflect seriously before we act."

Rufus King rebuked this speech by saying, "I am concerned for what fell from the gentleman from Delaware — *take a foreign power by the hand.* I am sorry he mentioned it and I hope he is able to excuse it to himself on the score of passion."*

According to Martin, "the convention was on the verge of dissolution, scarce held together by the strength of a hair," the delegates from Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia favoring representation in proportion to their importance, while the delegates from Connecticut, New

York, New Jersey, Delaware and Maryland opposed it from various motives. Patterson said that the small States could not be compelled to accept disagreeable conditions and that "New Jersey [would] never confederate on the plan before the Committee. She would be swallowed up. He had rather submit to a monarch, to a despot, than to such a fate. He would not only oppose here but on his return home [would] do every thing in his power to defeat it there."* Again Wilson asked:

"Are not the citizens of Pennsylvania equal to those of New Jersey? Does it require one hundred and fifty of the former to balance the latter? * * * If the small states will not confederate on this plan Pennsylvania and we presume some other states would not confederate on any other. We have been told that each state is sovereign, all are equal, so each man is naturally a sovereign over himself and all men are therefore virtually equal. Can he retain this equality when he becomes a member of Civil Government? He cannot. As little can a sovereign state when it becomes a member of a federal government. If New Jersey will not part with her sovereignty, it is vain to talk of a government."†

However, the small State men were no match for their opponents, and on June 11 a motion was carried in favor of "equitable" rather than equal representation. Seven States (Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia) voted for proportional representation in the first branch, and three (New

* Hunt's ed. of *Madison's Writings*, vol. iii., pp. 133-134; Hunt, *Madison's Journal*, vol. i., p. 113.

† Hunt's ed. of *Madison's Writings*, vol. iii., p. 135; Hunt, *Madison's Journal*, vol. i., pp. 113-114.

* Fiske, *Critical Period*, pp. 249-250.

York, New Jersey, and Delaware) against (Maryland being divided),* while the vote stood six to five for proportional representation in the second branch,† Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia voting in favor, while Connecticut, New York, New Jersey, Delaware, and Maryland voted against.‡ The remaining topics of the Virginia plan were now taken into consideration until June 13 when the last one was disposed of. The committee of the whole then reported to the House, and the next day was fixed for the consideration of the report.||

Patterson of New Jersey now obtained permission to submit an entirely different plan and on June 15 he read the New Jersey plan, which was as follows:

1. *Resolved*, That the Articles of Confederation ought to be so revised, corrected and enlarged, as to render the federal Constitution adequate to the exigencies of government, and the preservation of the Union.

2. *Resolved*, That, in addition to the powers vested in the United States in Congress by the present existing Articles of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods or merchandise of foreign growth or manufacture, imported into any part of the United States, by stamps on paper, vellum, or parchment; and by a

* Curtis, *Constitutional History*, vol. i., pp. 340, 343; Hunt, *Madison's Journal*, vol. i., pp. 119-120.

† Thorpe, *Story of the Constitution*, p. 122 *et seq.*

‡ Hunt, *Madison's Journal*, vol. i., p. 121; Curtis, *Constitutional History*, vol. i., p. 344.

|| McLaughlin, *The Confederation and the Constitution*, pp. 211-212. The nineteen resolutions in the report are given in Curtis, *Constitutional History*, vol. i., pp. 365-367; Hunt, *Madison's Journal*, vol. i., pp. 134-137.

postage on all letters or packages passing through the general post-office;—to be applied to such federal purposes as they shall deem proper and expedient: to make rules and regulations for the collection thereof; and the same, from time to time, to alter and amend in such manner as they shall think proper: to pass acts for the regulation of trade and commerce, as well with foreign nations as with each other;—provided that all punishments, fines, forfeitures, and penalties, to be incurred for contravening such acts, rules and regulations, shall be adjudged by the common-law judiciaries of the state in which any offence contrary to the true intent and meaning of such acts, rules and regulations, shall have been committed or perpetrated, with liberty of commencing in the first instance all suits and prosecutions for that purpose in the superior common-law judiciary in such state; subject, nevertheless, for the correction of all errors, both in law and fact, in rendering judgment, to an appeal to the judiciary of the United States.

3. *Resolved*, That whenever regulations shall be necessary, instead of the rule for making requisitions mentioned in the Articles of Confederation, the United States in Congress be authorized to make such requisitions in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes; that, if such requisitions be not complied with in the time specified therein, to direct the collection thereof in the non-complying states, and for that purpose to devise and pass acts directing and authorizing the same;—provided, that none of the powers hereby vested in the United States in Congress shall be exercised without the consent of at least states; and in that proportion, if the number of confederated states should hereafter be increased or diminished.

4. *Resolved*, That the United States in Congress be authorized to elect a federal executive, to consist of persons; to continue in office for the term of . . . years; to receive punctually, at stated times, a fixed compensation for their services, in which no increase or diminution shall be made so as to affect the persons composing the executive at the time of such increase or diminution; to be paid out of the federal treasury; to be incapable of holding any other office or appointment during their time of service, and for years thereafter; to be ineligible a second time, and removable by Congress, on application by a

majority of the executives of the several states: that the executive, besides their general authority to execute the federal acts, ought to appoint all federal officers not otherwise provided for, and to direct all military operations;—provided, that none of the persons composing the federal executive shall, on any occasion, take command of any troops, so as personally to conduct any military enterprise, as general, or in any other capacity.

5. *Resolved*, That a federal judiciary be established, to consist of a supreme tribunal, the judges of which to be appointed by the executive, and to hold their offices during good behaviour; to receive punctually, at stated times, a fixed compensation for their services, in which no increase or diminution shall be made so as to affect the persons actually in office at the time of such increase or diminution. That the judiciary so established shall have authority to hear and determine, in the first instance, on all impeachments of federal officers, and, by way of appeal, in the dernier ressort, in all cases touching the rights of ambassadors; in all cases of captures from an enemy; in all cases of piracies and felonies on the high seas; in all cases in which foreigners may be interested; in the construction of any treaty or treaties, or which may arise on any of the acts for the regulation of trade, or the collection of the federal revenue: that none of the judiciary shall, during the time they remain in office, be capable of receiving or holding any office or appointment during their term of service, or for thereafter.

6. *Resolved*, That all acts of the United States in Congress, made by virtue and in pursuance of the powers hereby, and by the Articles of Confederation vested in them, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective states, so far forth as those acts or treaties shall relate to the said states or their citizens; and that the judiciary of the several states shall be bound thereby in their decisions, any thing in the respective laws of the individual states to the contrary notwithstanding; and that if any state, or any body of men in any state, shall oppose or prevent the carrying into execution such acts or treaties, the federal executive shall be authorized to call forth the power of the confederated states, or so much thereof as may be necessary, to enforce and compel an obedience to such acts, or an observance of such treaties.

7. *Resolved*, That provision be made for the admission of new states into the Union.

8. *Resolved*, That the rule for naturalization ought to be the same in every state.

9. *Resolved*, That a citizen of one state, committing an offence in another state of the Union, shall be deemed guilty of the same offence as if it had been committed by a citizen of the state in which the offence was committed.*

The debate upon the New Jersey plan began immediately, Wilson comparing it with the Virginia plan and pointing out that the essential differences were that the Jersey plan proposed a single branch legislature which would derive its powers from the States and an executive of several persons, while the power of the legislature to act on national concerns was limited, though the executive had power to compel obedience by force.† Up to this time Hamilton had hardly spoken, “partly from respect to others who superior abilities, age and experience rendered him unwilling to bring forward ideas dissimilar to theirs, and partly from his delicate situation with respect to his own State, to whose sentiments, as expressed by his colleagues, he could by no means accede.”‡ But on June 18 he arose and delivered an able speech in which he said he did not like either of the plans presented but thought the Jersey plan the best. It was merely the Articles of Confed-

* Taylor, *The Origin and Growth of the American Constitution*, App. xv. See also Curtiss, *Constitutional History*, vol. i., p. 370; Hunt, *Madison's Journal*, vol. i., pp. 139–142; Gilpin, *Madison Papers*, vol. ii., p. 862 *et seq.*

† McMaster, vol. i., p. 444. For further details of the whole debate on the Jersey plan, see also Bancroft, vol. vi., pp. 231–238; McLaughlin, *The Confederation and the Constitution*, p. 213 *et seq.*; Hunt, *Madison's Journal*, pp. 143–151.

‡ Hunt, *Madison's Journal*, vol. i., p. 152.

eration revised and extended.* He then presented the following eleven resolutions, which embodied some of his ideas regarding government:†

I. The supreme legislative power of the United States of America is to be vested in two distinct bodies of men; the one to be called the Assembly, the other the Senate; who together shall form the Legislature of the United States, with power to pass all laws whatsoever, subject to the negative hereafter mentioned.

II. The Assembly to consist of persons elected by the people, to serve for three years.

III. The Senate to consist of persons elected to serve during good behaviour. Their election to be made by electors chosen for that purpose by the people. In order to do this, the States to be divided into election districts. On the death, removal, or resignation of any Senator, his place to be filled out of the district from which he came.

IV. The supreme executive authority of the United States to be vested in a Governor, to be elected to serve during good behaviour. His election to be made by electors chosen by the people, in the election districts aforesaid; or by electors chosen for that purpose by the respective Legislatures — provided that if an election be not made within a limited time, the President of the Senate shall be the Governor. The Governor to have a negative upon all laws about to be passed — and (to have) the execution of all laws passed — to be the Commander-in-Chief of the land and naval forces and of the militia of the United States — to have the entire direction of war when authorized or begun — to have, with the advice and approbation of the Senate, the power of making all treaties — to have the appointment of the

heads or chief officers of the departments of finance, war, and foreign affairs — to have the nomination of all other officers (ambassadors to foreign nations included) subject to the approbation or rejection of the Senate — to have the power of pardoning all offences but treason, which he shall not pardon without the approbation of the Senate.

V. On the death, resignation, or removal of the Governor, his authorities to be exercised by the President of the Senate (until a successor be appointed).

VI. The Senate to have the sole power of declaring war — the power of advising and approving all treaties — the power of approving or rejecting all appointments of officers, except the heads or chiefs of the departments of finance, war, and foreign affairs.

VII. The Supreme judicial authority of the United States to be vested in twelve judges, to hold their offices during good behaviour, with adequate and permanent salaries. This court to have original jurisdiction in all causes of capture, and an appellate jurisdiction (from the courts of the several States) in all causes in which the revenues of the General Government, or the citizens of foreign nations are concerned.

VIII. The Legislature of the United States to have power to institute courts in each State for the determination of all causes of capture, and all matters relating to their revenues, or in which the citizens of foreign nations are concerned.

IX. The Governor, Senators, and all officers of the United States to be liable to impeachments for mal and corrupt conduct, and upon conviction to be removed from office, and disqualified for holding any place of trust or profit.

All impeachments to be tried by a court, to consist of the judges of the Supreme Court, chief or senior judge of the Superior Court of law of each State — provided that such judge hold his place during good behaviour and have a permanent salary.

X. All laws of the particular States contrary to the Constitution or laws of the United States to be utterly void. And the better to prevent such laws being passed, the Governor or President of each State shall be appointed by the General Government and shall have a negative upon the laws about to be passed in the State of which he is Governor or President.

XI. No State to have any forces, land or naval — and the militia of all the States to be under the sole and exclusive direction of the United States, the officers of which to be appointed and commissioned by them.

* Lodge, *Alexander Hamilton*, p. 59 *et seq.*; Gilpin, *Madison Papers*, vol. ii., p. 828 *et seq.*; Curtis, *Constitutional History*, vol. i., p. 371 *et seq.*; Hunt, *Madison's Journal*, vol. i., p. 152 *et seq.*; Thorpe, *The Story of the Constitution*, p. 125. Lodge says (pp. 62–63) that undoubtedly Hamilton knew that his plan had no chance of adoption but that his chief aim was “to brace the minds of his fellow members and to stimulate them to taking higher ground than the majority of their constituents demanded.”

† Lodge's ed. of *Hamilton's Works*, vol. i., pp. 347–369; Hunt's ed. of *Madison's Writings*, vol. iii., p. 197; Hunt, *Madison's Journal*, vol. i., pp. 162–164. See also Taylor, *The Origin and Growth of the American Constitution*, App. xiv.

Madison then attacked the Jersey plan in probably the ablest speech against it.* Patterson in presenting the plan had laid great stress upon the Articles of Confederation and the duty of the States to obey them, but Madison refuted his argument by saying that these very articles declared that if one of the States committed an infraction of any one of them, the compact between the States was broken. He then instanced many cases when various States had overstepped their powers, asking what check the Jersey plan put upon these infractions. While it provided for compelling obedience by force and while it would be easy to bring the smaller States into submission, how about the larger States, could they be forced into submission? In case no plan could be agreed upon, how would the little States fare? Would not Delaware and New Jersey suffer at the hands of Pennsylvania and would Rhode Island be safe from Massachusetts? This speech practically settled the fate of the Jersey plan, which was declared inadmissible by a vote of seven States (Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia) against three (New York, New Jersey and Delaware) with Maryland divided.†

* See Hunt, *Madison's Journal*, vol. i., pp. 167-184.

† McMaster, vol. i., pp. 445-446; Curtis, *Constitutional History*, vol. i., pp. 379-381; Elliot, *Debates*, vol. i., p. 180; Hunt, *Madison's Journal*, vol. i., p. 185.

On June 19 the modified Virginia plan, as adopted by the committee, was formally taken up for discussion by the house, each clause being debated anew. On the first resolution a debate immediately arose, Wilson declaring that a National government should not swallow up the States, while Hamilton said indefinite authority should be given the national government, for "if it were limited at all the rivalry of the States would gradually subvert it."* King said that the States, properly speaking, had never been sovereign.

"They did not possess the peculiar features of sovereignty, they could not make war, nor peace, nor alliances, nor treaties. Considering them as political Beings, they were dumb, for they could not speak to any foreign sovereign whatever. They were deaf, for they could not hear any propositions from such Sovereign. They had not even the organs or faculties of defence or offence for they could not of themselves raise troops or equip vessels, for war. On the other side, if the Union of the States comprises the idea of a confederation, it comprises that also of consolidation. A union of the States is a union of the men composing them from whence a national character results to the whole. * * * If the States, therefore, retained some portion of their sovereignty, they had certainly divested themselves of essential portions of it. If they formed a confederacy in some respects — they formed a Nation in others."†

At this time (June 20) the word "national" was dropped from the Randolph plan. This was done at the request of Ellsworth so that the resolution would read "that the government of the United States ought to

* Hunt's ed. of *Madison's Writings*, vol. iii., p. 221; Hunt, *Madison's Journal*, vol. i., p. 185.

† Hunt, *Madison's Journal*, vol. i., p. 186; Hunt's ed. of *Madison's Writings*, vol. iii., p. 221.

consist of a supreme Legislative, Executive and Judiciary." Ellsworth wished the plan "to go forth as an amendment of the Articles of the Confederation, since under this idea the authority of the Legislatures could ratify it." * Randolph said that he had no objection to the change of expression "but apprised the gentleman who wished for it that he did not admit it for the reasons assigned; particularly that of getting rid of a reference to the people for ratification." †

The question now came up as to whether or not there should be two branches of the legislature, and after a long discussion it was decided in favor of the dual system, the vote standing seven States (Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia) to three (New York, New Jersey, and Delaware) with Maryland divided. ‡ On June 21 General Pinckney moved that the representatives of the first branch be elected by the legislatures, but Wilson "considered the election of the first branch by the people not only as the Corner Stone but as the foundation of the fabric: and that the difference between a mediate and immediate

election was immense, * * * in this respect: that the Legislatures are actuated not merely by the sentiment of the people; but have an official sentiment opposed to that of the General Government and perhaps to that of the people themselves." It was therefore decided that the representatives should be elected by the people, the vote standing nine States in favor (Massachusetts, Connecticut, New York, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia) one against (New Jersey) while Maryland was divided. * It had now been determined that the legislature should consist of two branches — the Senate and House of Representatives, and the question immediately arose as to the votes of the States in these branches. It was supposed that the interests of the larger States and the smaller States were diametrically opposed, the smaller States fearing that the larger States would not respect their rights. After some discussion the small State men consented that the number of members from each State in the House should be in proportion to the whole number of white or other free citizens in each, including those bound to service for a term of years, and three-fifths of all other persons. On June 29, therefore, when the vote was taken on this proposition, Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia

* Hunt, *Madison's Journal*, vol. i., p. 190.

† Hunt's ed. of *Madison's Writings*, vol. iii., p. 226; Hunt, *Madison's Journal*, p. 190.

‡ Elliot, *Debates*, vol. i., p. 184. See also Curtis, *Constitutional History*, vol. i., p. 397; McLaughlin, *The Confederation and the Constitution*, pp. 224-226. On the debates, see Hunt, *Madison's Journal*, vol. i., pp. 190-204.

* Hunt, *Madison's Journal*, vol. i., pp. 204-206.

voted in favor of proportional representation in the first branch, while Connecticut, New York, New Jersey, and Delaware voted in the negative, Maryland being divided.* But the small State men absolutely refused to agree to anything less than an equal representation in the Senate. When a vote was taken on June 25 on the question to agree "that the members of the second branch be chosen by the individual legislatures," it stood nine States (Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, North Carolina, South Carolina, and Georgia) to two (Pennsylvania and Virginia).† The larger States were unwilling to allow this equality of representation in the Senate, and for some time the question hung in doubt.‡ On June 29 it was again moved by Mr. Ellsworth "that in the second branch, each State should have an equal vote." He said that on the whole he was not sorry that the Convention had decided in favor of unequal representation in the House, for that would allow the Convention to compromise by determining upon equal representation in the Senate, thus making the government partly national and partly federal.¶ The

small State men were determined that the States should have equal representation, but the large State men were equally determined. The debate was not long protracted, but was marked with an energy and warmth on both sides which revealed the nature of the perils then overhanging the unformed institutions whose existence now blesses the people of America. Ellsworth, Madison, Franklin, Baldwin, Wilson, and many others participated in the debate.* Wilson said he "hoped the alarms exceeded their cause," and that the Convention was too wise to "abandon a country to which they were bound by so many strong and endearing ties. But should the deplored event happen, it would neither stagger his sentiments nor his duty. If the minority of the people of America refuse to coalesce with the majority on just and proper principles, if a separation must take place it could never happen on better ground." Ellsworth said:

"The capital objection of Mr. Wilson 'that the minority will rule the majority' is not true. The power is given to the few to save them from being destroyed by the many. If an equality of votes had been given to them in both branches, the objection might have had weight. Is it a novel thing that a few should have a check on the many? Is it not the case in the British Constitution the wisdom of so many gentlemen have united in applauding? * * * No instance of a Confederacy has existed in which an equality of voices has not been exercised by the members of it. We are running from one extreme to the

* McLaughlin, *The Confederation and the Constitution*, pp. 227-229; Curtis, *Constitutional History*, vol. i., p. 400; Hunt, *Madison's Journal*, vol. i., p. 269.

† Hunt, *Madison's Journal*, vol. i., p. 236.

‡ See the various speeches in *ibid.*, vol. i., pp. 248-268.

¶ Curtis, *Constitutional History*, vol. i., p. 402; Hunt, *Madison's Journal*, vol. i., p. 269.

* See Pitkin, *Political and Civil History of the United States*, vol. ii., pp. 233-245; Hunt, *Madison's Journal*, vol. i., p. 269 *et seq.*

† Hunt's ed. of *Madison's Writings*, vol. iii., p. 327; Hunt, *Madison's Journal*, vol. i., p. 273.

other. We are razing the foundations of the building when we need only repair the roof. No salutary measure has been lost for want of a majority of the States, to favor it. If security be all that the great States wish for, the first branch secures them. The danger of combinations among them is not imaginary. Altho' no particular abuses could be foreseen by him, the possibility of them would be sufficient to alarm him. Suppose that in pursuance of some commercial treaty or agreement, three or four free ports and no more were to be established, would not combinations be formed in favor of Boston, Philadelphia and some port of the Chesapeake? A like concert might be formed in the appointment of the great officers." *

Bedford of Delaware dared the larger States to do their worst, saying:

"We have been told with a dictatorial air that this is the last moment for a fair trial in favor of a Good Government. It will be the last indeed if the propositions reported from the committee go forth to the people. * * * The Large States dare not dissolve the Confederation. If they do the small ones will find some foreign ally of more honor and good faith who will take them by the hand and do them justice." †

On July 2 the question was taken on Mr. Ellsworth's motion, the vote resulting in a tie of five States against five, with one divided. Consequently, the motion was lost. Connecticut, New York, New Jersey, Delaware, and Maryland voted in the affirmative; Massachusetts, Pennsylvania, Virginia, North Carolina, and South Carolina voted in the negative, while Georgia was divided.‡ It seemed as though the Convention were now at a

stand-still and that it would be absolutely necessary to make some sort of a compromise. Luther Martin of Maryland declared that each State must have an equal vote, or that the business of the Convention was at an end. General Pinckney moved that a committee on the subject be appointed, which plan was seconded by Sherman, Gerry and others.* Gerry observed that "something must be done or we shall disappoint not only America but the whole world. * * *

We must make concessions on both sides. Without these the Constitutions of the several States would never have been formed."† Wilson and Madison strongly protested that experience had taught them the utter usefulness of grand committees,‡ but Sherman said, "We are now at a full stop, and nobody * * * meant that we should break up without doing something."|| Consequently Pinckney's motion prevailed. But the minute the committee was appointed the large State party was doomed to defeat in its fight for proportional legislation in both branches, for not one of the really strong nationalists was appointed. The committee consisted of the following men: Gerry, of Massachusetts; Ellsworth, of Connecticut; Robert Yates, of New York; Patterson, of New Jersey; Franklin, of

* *Ibid.*, vol. i., pp. 275-276.

† Hunt's ed. of Madison's *Writings*, vol. iii., p. 340; Hunt, *Madison's Journal*, vol. i., p. 284.

‡ Bancroft, vol. vi., pp. 239-253; Curtis, *Constitutional History*, vol. i., p. 403; Hunt, *Madison's Journal*, vol. i., p. 286.

* McMaster, *United States*, vol. i., p. 449; Hunt, *Madison's Journal*, vol. i., p. 287 *et seq.*

† Hunt, *Madison's Journal*, vol. i., p. 292.

‡ Hunt's ed. of Madison's *Writings*, vol. iii., pp. 334, 349, 350.

|| Hunt, *Madison's Journal*, vol. i., p. 287.

Pennsylvania; Bedford, of Delaware; Martin, of Maryland; Mason, of Virginia; William Davie, of North Carolina; Rutledge, of South Carolina; and Abraham Baldwin, of Georgia. The Convention then adjourned for three days (until July 5) while the committee was adjusting the differences.*

On July 5 the committee finally succeeded in reaching a compromise and reported to the Convention, recommending two propositions, on condition that both should be generally adopted. These propositions were:

1. That, in the first branch of the legislature, each of the States now in the Union shall be allowed one member for every forty thousand inhabitants of the description reported in the seventh resolution of the Committee of the whole House; that each State not containing that number shall be allowed one member; that all bills for raising or appropriating money, and for fixing the salaries of the officers of the government of the United States, shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the public Treasury but in pursuance of appropriations to be originated in the first branch.

2. That, in the second branch, each State shall have an equal vote.†

To the House was given the power to raise and appropriate money, and to fix the salaries of the officials. On the question of vesting the House with exclusive power to raise and appropriate money and fix the salaries of officials, Connecticut, New Jersey,

Delaware, Maryland, and North Carolina voted in the affirmative; Pennsylvania, Virginia, and South Carolina in the negative, while Massachusetts, New York, and Georgia were divided.* A debate then arose as to just how the question had been decided, and by a vote of nine States (Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, and Georgia) against two (New York and Virginia), it was determined that the question had been decided in the affirmative.† On July 7 that part of the report of the committee recommending that each State have an equal vote in the Senate was adopted by a vote of six States (Connecticut, New York, New Jersey, Delaware, Maryland, and South Carolina) against three (Pennsylvania, Virginia, and South Carolina), while Massachusetts and Georgia were divided.‡ Meanwhile, on July 5, two of the New York delegates, Lansing and Yates, considering that the Convention was going far beyond its powers, returned home. Hamilton, however, the other New York delegate, remained to the close of the Convention and was one of the signers of the Constitution.

Disagreement was now put aside and a spirit of compromise took its place, for much was yet to be done in

* Bancroft, vol. vi., p. 254; Curtis, *Constitutional History*, vol. i., p. 405.

† Hunt, *Madison's Journal*, vol. i., pp. 293-295. On the adjustment of representation, see Bancroft, vol. vi., pp. 255-269.

* Hunt, *Madison's Journal*, vol. i., pp. 309-312.

† *Ibid.*, p. 313.

‡ Curtis, *Constitutional History*, vol. i., p. 407; Hunt, *Madison's Journal*, vol. i., p. 314.

whipping the minor provisions into proper shape. The small State men discontinued their obstructive tactics. Lansing and Yates had gone home and some of the most obstreperous of the early debaters remained silent. Little by little as the debates went on the principle of the government became more clear and the relation between the State and National governments better defined, so that there would be the least possibility of friction between them and no necessity for the coercion of the States on the part of the National government. As Madison later said:

"It was generally agreed that the objects of the Union could not be secured by any system founded on the principle of a confederation of Sovereign States. A voluntary observance of the federal law by all the members could never be hoped for. A compulsive one could evidently never be reduced to practice, and if it could, involved equal calamities to the innocent and the guilty, the necessity of a military force, both obnoxious and dangerous, and, in general, a scene resembling much more a civil war than the administration of a regular Government. Hence was embraced the alternative of a Government which, instead of operating on the States, should operate without their intervention on the individuals composing them; and hence the change in the principle and proportion of representation."

The scale of apportionment of representatives recommended by the committee also came in for its share of opposition, it being urged that the circumstances did not require a mere representation of persons, but that property also ought to be considered to obtain a just index of the relative rank of the States. The argument was advanced that if population alone were considered, the new Western

States would not only equal but in all probability would soon outnumber the Atlantic States, and thus the latter would forever be in a minority. A new committee of five members (Gouverneur Morris, Gorham, Randolph, Rutledge, and King) was then appointed,* who proposed that the first House of Representatives should consist of fifty-six members,† basing the distribution upon the present condition of the various States, though the legislature was to be empowered, as circumstances might require, to increase the number from time to time, and base the representation upon a combined ratio of their wealth and the number of their inhabitants.‡ The latter part of this proposition was adopted by a vote of nine States (Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia) against two (New York and New Jersey),|| but the apportionment was changed, sixty-five members being allowed to the first meeting of the legislature.§

* Hunt, *Madison's Journal*, vol. i., pp. 305-307.

† New Hampshire, 2; Massachusetts, 7; Rhode Island, 1; Connecticut, 4; New York, 5; New Jersey, 3; Pennsylvania, 8; Delaware, 1; Maryland, 4; Virginia, 9; North Carolina, 5; South Carolina, 5; Georgia, 2.—Hunt, *Madison's Journal*, vol. i., p. 318.

‡ Curtis, *Constitutional History*, vol. i., p. 407; Hunt, *Madison's Journal*, vol. i., pp. 318-319.

§ Hunt, *Madison's Journal*, vol. i., pp. 319-320.

§ New Hampshire, 3; Massachusetts, 8; Rhode Island, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; Georgia, 3.—Hunt, *Madison's Journal*, vol. i., p. 322.

This was sanctioned by a large vote of the States (Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina in the affirmative, and South Carolina and Georgia in the negative), after it had been referred for a second time to a committee of one member from each State, consisting of King, Sherman, Yates, Brearly, Gouverneur Morris, Read, Carroll, Madison, Williamson, Rutledge, and Houston.*

The old sore of representation, however, was still open, and whenever the question arose difficulties disclosed themselves. The principal difficulty was to agree on the general basis of representation—as to whether or not it should depend upon population alone. So far the Convention had twice affirmed the propriety of counting the slaves, if the States were to be represented according to the numbers of their inhabitants, and the slave-holding States had expressed no dissatisfaction with the old proportion of three-fifths. But the idea was now advanced that the wealth of a State could not be measured by its inhabitants and that wealth should largely enter into consideration when a proportionment of representation was made: the States most heavily taxed should have a proportionate influence in the govern-

ment.* The Northern men did not see the justice of including the slaves in a computation of the population, while the Southerners were equally determined that they should be counted, Pierce Butler and C. C. Pinckney being particularly insistent.† “Has a man in Virginia a number of votes in proportion to the number of his slaves? And if negroes are not represented in the States to which they belong, why should they be represented in the general government? * * * If a meeting of the people were to take place in a slave state, would the slaves vote? They would not. Why then should they be represented in a federal government?” Gouverneur Morris said: “I can never agree to give such encouragement to the slave-trade as would be given by allowing the Southern States a representation for their negroes. * * * I would sooner submit myself to a tax for paying for all the negroes in the United States than saddle posterity with such a constitution.”‡

The North also feared that the West and Southwest would some time have sufficient population to overthrow the power of the East in Congress, Gouverneur Morris saying

* Curtis, *Constitutional History*, vol. i., p. 408.

† Fiske, *Critical Period*, p. 258. As Madison said: “It seemed now to be pretty well understood, that the real difference of interest lay, not between the large and small, but between the Northern and Southern States. The institution of slavery and its consequences formed the line of discrimination.”—Gay, *Life of Madison*, pp. 103–104.

‡ Fiske, p. 259.

* Curtis, *Constitutional History*, vol. i., pp. 407–408; Hunt, *Madison's Journal*, vol. i., pp. 322–327.

that "the Busy haunts of men not the remote wilderness, was the proper school of political talents. If the western people get the power into their hands, they will ruin the Atlantic interests. The Back members are always most averse to the best measures."* Wilson, however, said:

"The majority of people wherever found ought on all questions to govern the minority. If the interior Country should acquire this majority, it will not only have the right but will avail itself of it whether we will or no. This jealousy misled the policy of Great Britain with regard to America. The fatal maxims espoused by her were that the Colonies were growing too fast, and that their growth must be stunted in time. What were the consequences? First, enmity on our part, then actual separation. Like consequences will result on the part of the interior settlements, if like jealousy and policy be pursued on ours."†

Still there were graver objections to this combined rule of numbers and wealth as applied to the slave-holding States. In the first place, it was very vague; it left the question as to whether slaves should be regarded as persons or as property wholly undetermined, to be settled by the legislature at every revision of the system. Also, while the Atlantic States might be able to dominate the Western States, at least for a long time to come, the Northern States would also be able to control the government as against the Southern interests, for by the proposed apportionment the

States that held few or no slaves would have thirty-six members, while the slave States would have only twenty-nine. In stating the objections of Virginia to the scheme, Mason and Randolph said that, while according to the present population the North would justly predominate in the legislature, it might not always be thus and that a definite rule ought to be established at once for determining the proportions.* Gouverneur Morris said that the combined principles of numbers and wealth were a sufficient rule which could be executed and would also obviate the necessity of a distinct and special admission of the slaves into the census.† Williamson of North Carolina, on July 11, made a motion that numbers alone be considered, his proposition providing for a periodical census of the free white inhabitants and of three-fifths of all other persons and that the representation be regulated accordingly.‡ But South Carolina and Georgia desired that the blacks should be included in the census equally with whites and when it came to a vote these two States were supported by Maryland and Delaware, six States voting in the affirmative (Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, and North Carolina).|| It now be-

* Hunt's ed. of *Madison's Writings*, vol. iii., pp. 401, 402; Hunt, *Madison's Journal*, vol. i., p. 335.

† Hunt, *Madison's Journal*, vol. i., p. 352; Hunt's ed. of *Madison's Writings*, vol. iii., p. 223.

* Hunt, *Madison's Journal*, vol. i., p. 338.

† Curtis, *Constitutional History*, vol. i., p. 409.

‡ Hunt, *Madison's Journal*, vol. i., p. 330.

|| Hunt's ed. of *Madison's Writings*, vol. iii., p. 397; Elliot, *Debates*, vol. i., p. 199; Thorpe, *Story of the Constitution*, pp. 128-131; Curtis, *Con-*

came necessary to decide whether the slaves should be counted as persons, and in the proportion of the three-fifths in the census for the future apportionment of representatives among the States. Massachusetts and Pennsylvania split with Virginia on this proposition, and it was decided to be unfair to place the slave in the same category with the freeman for purposes of representation when he had no voice in the appointment of the representative. This proposition was lost by a vote of six States (Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina) to four (Connecticut, Virginia, North Carolina, and Georgia), and so Williamson's whole substitute—numerical representation in place of a combination of numbers and wealth—was lost.*

In endeavoring to apply the combined rule of numbers and wealth, an old and important doctrine was brought into view—that “taxation and representation ought to go together.” Gouverneur Morris said that if the legislatures were empowered to vary the representation according to the principle of wealth and numbers, a proviso should be added that “taxation shall be in proportion to representation,”† or in other words, if the South should in-

sist upon counting in her slaves as a basis of representation because they created wealth, they should be willing to pay taxes accordingly. Mason, however, pointed out that customs duties and similar levies could not be proportioned thus and Congress might be compelled to resort to requisitions. The resolution was therefore changed so that it applied to direct taxation alone.* Davie of North Carolina then entered the lists with a threat that North Carolina would never enter the Union unless three-fifths of her slaves were counted.† Wilson thereupon proposed an arrangement to compromise the matter, which consisted first in affirming that representation ought to be proportioned according to direct taxation; second, that a periodical census of the free inhabitants and three-fifths of all other persons should be taken; and third, that this census should constitute the basis for direct taxation.‡ This proposition was adopted, July 12, by a vote of six States (Connecticut, Pennsylvania, Maryland, Virginia, North Carolina, and Georgia) to two (New Jersey and Delaware) with Massachusetts and South Carolina divided.|| While Wilson accepted this result because

stitutional History, vol. i., p. 410; Hunt, *Madison's Journal*, vol. i., p. 338.

* Curtis, *Constitutional History*, vol. i., p. 411; Hunt, *Madison's Journal*, vol. i., p. 340.

† Hunt's ed. of *Madison's Writings*, vol. iii., p. 409; Hunt, *Madison's Journal*, vol. i., p. 341.

* Elliot, *Debates*, vol. i., p. 202; Hunt's ed. of *Madison's Writings*, vol. iii., p. 411.

† Hunt, *Madison's Journal*, vol. i., p. 342.

‡ *Ibid*, p. 345.

|| Elliot, *Debates*, vol. i., pp. 202–203; Thorpe, *Story of the Constitution*, pp. 131–132; Curtis, *Constitutional History*, vol. i., pp. 416–418; Hunt, *Madison's Journal*, vol. i., p. 347.

of the "necessity of compromise," he said that if the slaves were admitted as citizens, why were they not admitted "on an equality with the white citizens? are they admitted as property? then why is not other property admitted into the computation?"*

Representation in the Senate (or the second branch) was then taken under consideration. Randolph, Madison, King, and Wilson opposed an equality of votes on the ground that the government was to act upon the people and not upon the States, and that therefore the people and not the States should be represented in every branch of the government. Despite their opposition, however, equality of votes in the Senate was adopted, July 16, by a majority of the States present, Connecticut, New Jersey, Delaware, Maryland, and North Carolina (Mr. Straight *no*) voting in the affirmative, and Pennsylvania, Virginia, South Carolina, and Georgia in the negative, while Massachusetts was divided (Gerry and Strong in the affirmative and King and Gorham in the negative).† The New York delegates were absent, Yates and Lansing having gone home, while Hamilton was absent on personal business.‡ The large State men were loath to admit defeat, and even the next morning after the vote had been taken, they held a caucus to determine whether

they should acquiesce in the verdict, or, relying on the justice of the cause, persist in opposing the measure and frame a constitution of their own. But no conclusion as to the proper course of action was reached at this meeting, and the work of the Convention went on as usual.*

The other matters contained in the report of the committee were now rapidly agreed upon. It was determined that the legislative acts and treaties of the United States should be the supreme law of the land and binding upon the judiciaries of the several States. It had already been determined that the executive should be a single person, chosen for seven years by the national legislature, ineligible for a second term; that he should have power to carry into execution the national laws, to appoint officers not otherwise provided for; that he should be removable on impeachment and should be paid by a fixed stipend out of the national treasury. A debate again sprang up regarding the manner of electing the President and his term of office, as it was felt that he might become the tool of the legislature if chosen by that body.† It was originally proposed to limit him to one term‡ but this was seen to operate both ways,

* Hunt's ed. of *Madison's Writings*, vol. iii., p. 407.

† Hunt, *Madison's Journal*, vol. i., pp. 364-365.

‡ Curtis, *Constitutional History*, vol. i., p. 418.

* McLaughlin, *The Confederation and the Constitution*, p. 239; Curtis, *Constitutional History*, vol. i., pp. 418-419; Hunt, *Madison's Journal*, vol. i., pp. 369-370.

† Hunt, *Madison's Journal*, vol. i., pp. 108, 374-375, vol. ii., p. 3.

‡ *Ibid.*, vol. i., p. 65.

for if a good executive were elected, the desire would be general to retain him in office, whereas, on the other hand, a bad executive could easily be rejected. Ineligibility was then stricken out. As the right of suffrage was differently regulated in the different States, it was seen that a popular election would not do. Wilson said: "he was almost unwilling to declare the mode which he wished to take place, being apprehensive that it might appear chimerical. He would say, however, at least, that in theory he was for an election by the people. Experience, particularly in New York and Massachusetts, showed that an election of the first magistrate by the people at large was both a convenient and successful mode. The objects of choice in such cases must be persons whose merits have general notoriety." * Sherman, Strong, Mason, and Rutledge favored election by the legislature, while Gouverneur Morris, Gerry, Madison, and Washington disapproved of this. Mason said that "to refer the choice of a proper character for the chief magistrate to the people would be as unnatural as to refer a trial of colors to a blind man." † On July 19 Gerry said: "If the Executive is to be elected by the Legislature, he certainly ought not to be ineligible. This would make him absolutely dependent." But he said he was against popular elections.

* *Ibid.*, pp. 53-54; also pp. 375-376.

† Fiske, *Critical Period*, p. 279; Hunt, Madison's *Journal*, vol. i., p. 377.

"The people are uninformed and would be misled by a few designing men. * * * The popular mode of electing the chief magistrate would certainly be the worst of all. If he should be so elected and should do his duty, he would be turned out for it like Governor Bowdoin in Massachusetts and President Sullivan in New Hampshire." * To obviate these difficulties it was then proposed by Ellsworth and King to appoint electors in each State who should vote for the President in accordance with the mandates of the people at popular elections, but it was said that the candidate might corrupt these electors, and on July 26, after much argument, the original term of seven years with ineligibility was decided upon and sent to the committee of detail. † New Hampshire, Connecticut, New Jersey, North Carolina, South Carolina, and Georgia voted in the affirmative and Pennsylvania and Delaware in the negative. Massachusetts was not on the floor and Virginia was divided, Blair and Mason voting in the affirmative, while Washington and Madison voted in the negative.

It was decided that "a republican form of government shall be guaranteed to each State and that each State shall be protected against foreign and domestic violence"; that in the na-

* *Ibid.*, vol. ii., p. 7. See also his speech of July 25, in *ibid.*, pp. 54-55.

† Curtis, *Constitutional History*, vol. i., pp. 422-426; Hunt, Madison's *Journal*, vol. i., p. 378 *et seq.*, vol. ii., pp. 8 *et seq.*, 40, 47, 48-59, gives the votes on the various clauses.

tional legislature should be vested the power to appoint inferior judicial tribunals; and that all legislative, executive and judicial officers of the State and also the officers of the national government should be bound by oath to support the Articles of the Union.* Regarding the method of ratification there was some debate — whether the State governments were competent in themselves to do this, or whether it would be necessary to submit the Constitution directly to the people, acting through representative bodies expressly chosen for the purpose, but finally the latter course was determined upon, Delaware being the only State to vote in the negative, while Massachusetts, New Hampshire, Connecticut, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia voted in the affirmative.† It was now agreed that the Senate should consist of two members from each State and that they should vote *per capita*, Maryland being the only State that objected to this arrangement, chiefly through the efforts of Luther Martin.‡ The committee of detail were instructed to incorporate some provision for a property qualification for those holding office.|| On July 26, therefore, the articles agreed to and elaborated by the Convention, to-

gether with the propositions offered by Charles Pinckney on May 29 and those offered by Patterson on June 15, were referred to a committee of detail consisting of John Rutledge, Edmund Randolph, Nathaniel Gorham, Oliver Ellsworth, and James Wilson, to report a draft of a constitution. The House then adjourned. The twenty-three resolutions referred to this committee were as follows:

1. *Resolved*, That the government of the United States ought to consist of a supreme legislative, judiciary, and executive.

2. *Resolved*, That the legislature consist of two branches.

3. *Resolved*, That the members of the first branch of the legislature ought to be elected by the people of the several states for the term of two years; to be paid out of the public treasury; to receive an adequate compensation for their services; to be of the age of twenty-five years at least; to be ineligible to, and incapable of holding, any office under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service of the first branch.

4. *Resolved*, That the members of the second branch of the legislature of the United States ought to be chosen by the individual legislatures; to be of the age of thirty years at least; to hold their offices for six years, one third to go out biennially; to receive a compensation for the devotion of their time to the public service; to be ineligible to, and incapable of holding, any office under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term for which they are elected, and for one year thereafter.

5. *Resolved*, That each branch ought to possess the right of originating acts.

6. *Resolved*, That the national legislature ought to possess the legislative rights vested in Congress by the Confederation; and, moreover, to legislate in all cases for the general interests of the Union, and also in those to which the states are separately incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation.

7. *Resolved*, That the legislative acts of the United States, made by virtue and in pursuance

* *Ibid*, vol. i., pp. 394-392.

† *Ibid*, vol. ii., pp. 31-37; Curtis, *Constitutional History*, vol. i., pp. 427-431.

‡ Hunt, *Madison's Journal*, vol. ii., pp. 37-39.

|| *Ibid*, vol. ii., p. 59 *et seq*.

of the Articles of Union, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective states, as far as those acts or treaties shall relate to the said states, or their citizens and inhabitants; and that the judiciaries of the several states shall be bound thereby in their decisions, anything in the respective laws of the individual states to the contrary notwithstanding.

8. *Resolved*, That, in the general formation of the legislature of the United States, the first branch thereof shall consist of sixty-five members; of which number,

New Hampshire shall send 3; Massachusetts, 8; Rhode Island, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; Georgia, 3.

But, as the present situation of the states may probably alter in the number of their inhabitants, the legislature of the United States shall be authorized, from time to time, to apportion the number of representatives; and in case any of the states shall hereafter be divided, or enlarged by addition of territory, or any two or more states united, or any new states created within the limits of the United States, the legislature of the United States shall possess authority to regulate the number of representatives, in any of the foregoing cases, upon the principle of their number of inhabitants, according to the provisions hereafter mentioned, namely—Provided always, that representation ought to be proportioned to direct taxation. And, in order to ascertain the alteration in the direct taxation which may be required from time to time, by the changes in the relative circumstances of the states,—

9. *Resolved*, That a census be taken within six years from the first meeting of the legislature of the United States, and once within the term of every ten years afterwards, of all the inhabitants of the United States, in the manner and according to the ratio recommended by Congress in their resolution of the 18th of April, 1783; and that the legislature of the United States shall proportion the direct taxation accordingly.

10. *Resolved*, That all bills for raising or appropriating money, and for fixing the salaries of the officers of the government of the United States, shall originate in the first branch of the legislature of the United States, and shall not be altered or amended by the second branch; and that no money shall be drawn from the public treasury but in pursuance of appropriations to be originated by the first branch.

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11. *Resolved*, That, in the second branch of the legislature of the United States, each state shall have an equal vote.

12. *Resolved*, That a national executive be instituted, to consist of a single person; to be chosen by the national legislature for the term of seven years; to be ineligible a second time; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be removable on impeachment, and conviction of malpractice or neglect of duty; to receive a fixed compensation for the devotion of his time to the public service, to be paid out of the public treasury.

13. *Resolved*, That the national executive shall have a right to negative any legislative act; which shall not be afterwards passed, unless by two thirds part of each branch of the national legislature.

14. *Resolved*, That a national judiciary be established, to consist of one supreme tribunal, the judges of which shall be appointed by the second branch of the national legislature; to hold their offices during good behaviour; to receive punctually, at stated times, a fixed compensation for their services, in which no diminution shall be made so as to affect the persons actually in office at the time of such diminution.

15. *Resolved*, That the national legislature be empowered to appoint inferior tribunals.

16. *Resolved*, That the jurisdiction of the national judiciary shall extend to cases arising under laws passed by the general legislature, and to such other questions as involve the national peace and harmony.

17. *Resolved*, That provisions ought to be made for the admission of states lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the national legislature less than the whole.

18. *Resolved*, That a republican form of government shall be guaranteed to each state; and that each state shall be protected against foreign and domestic violence.

19. *Resolved*, That provision ought to be made for the amendment of the Articles of Union, whensoever it shall seem necessary.

20. *Resolved*, That the legislative, executive, and judiciary powers, within the several states, and of the national government, ought to be bound, by oath, to support the Articles of Union.

21. *Resolved*, That the amendments which shall be offered to the Confederation by the Convention ought, at a proper time or times, after the appro-

bation of Congress, to be submitted to an assembly, or assemblies, of representatives, recommended by the several legislatures, to be expressly chosen by the people to consider and decide thereon.

22. *Resolved*, That the representation in the second branch of the legislature of the United States shall consist of two members from each state, who shall vote *per capita*.

23. *Resolved*, That it be an instruction to the committee to whom were referred the proceedings of the Convention for the establishment of a national government, to receive a clause, or clauses, requiring certain qualifications of property and citizenship in the United States for the executive, the judiciary, and the members of both branches of the legislature of the United States.*

On August 6 the committee of detail rendered its report in the shape of a constitution divided into twenty-three articles, as follows:

We, the people of the states of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish, the following Constitution for the government of ourselves and our posterity:—

Article I. The style of the government shall be, "The United States of America."

Article II. The government shall consist of supreme legislative, executive, and judicial powers.

Article III. The legislative power shall be vested in a Congress, to consist of two separate and distinct bodies of men, a House of Representatives and a Senate; each of which shall in all cases have a negative on the other. The legislature shall meet on the first Monday in December in every year.

Article IV, Sect. 1. The members of the House of Representatives shall be chosen, every second year, by the people of the several states comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors, in the several states, of the most numerous branch of their own legislatures.

* See Taylor, *Origin and Growth of the American Constitution*, App. xvi.; Curtis, *Constitutional History*, vol. i., pp. 435-437; Hunt, *Madison's Journal*, vol. ii., pp. 67-74.

Sect. 2. Every member of the House of Representatives shall be of the age of twenty-five years at least; shall have been a citizen in the United States for at least three years before his election; and shall be, at the time of his election, a resident of the state in which he shall be chosen.

Sect. 3. The House of Representatives shall, at its first formation, and until the number of citizens and inhabitants shall be taken in the manner hereinafter described, consist of sixty-five members, of whom three shall be chosen in New Hampshire, eight in Massachusetts, one in Rhode Island and Providence Plantations, five in Connecticut, six in New York, four in New Jersey, eight in Pennsylvania, one in Delaware, six in Maryland, ten in Virginia, five in North Carolina, five in South Carolina, and three in Georgia.

Sect. 4. As the proportions of numbers in different states will alter from time to time; as some of the states may hereafter be divided; as others may be enlarged by addition of territory; as two or more states may be united; as new states will be erected within the limits of the United States,—the legislature shall, in each of these cases, regulate the number of representatives by the number of inhabitants, according to the provisions hereinafter made, at the rate of one for every forty thousand.

Sect. 5. All bills for raising or appropriating money, and for fixing the salaries of the officers of government, shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the public treasury but in pursuance of appropriations that shall originate in the House of Representatives.

Sect. 6. The House of Representatives shall have the sole power of impeachment. It shall choose its Speaker and other officers.

Sect. 7. Vacancies in the House of Representatives shall be supplied by writs of election from the executive authority of the state in the representation from which they shall happen.

Article V, Sect. 1. The Senate of the United States shall be chosen by the legislatures of the several states. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

Sect. 2. The senators shall be chosen for six years; but immediately after the first election, they shall be divided, by lot, into three classes, as nearly as may be, numbered one, two, and three. The seats of the members of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth

year; of the third class at the expiration of the sixth year; so that a third part of the members may be chosen every second year.

Sect. 3. Every member of the Senate shall be of the age of thirty years at least; shall have been a citizen of the United States for at least four years before his election; and shall be, at the time of his election, a resident of the state for which he shall be chosen.

Sect. 4. The Senate shall choose its own President, and other officers.

Article VI, Sect. 1. The times, and places, and manner, of holding the elections of the members of each House, shall be prescribed by the Legislature of each state; but their provisions concerning them may, at any time, be altered by the legislature of the United States.

Sect. 2. The legislature of the United States shall have authority to establish such uniform qualifications of the members of each House, with regard to property, as to the said legislature shall seem expedient.

Sect. 3. In each House a majority of the members shall constitute a quorum to do business; but a smaller number may adjourn from day to day.

Sect. 4. Each House shall be the judge of the elections, returns, and qualifications, of its own members.

Sect. 5. Freedom of speech and debate in the legislature shall not be impeached or questioned in any court or place out of the legislature; and the members of each House shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at Congress, and in going to and returning from it.

Sect. 6. Each House may determine the rules of its proceedings; may punish its members for disorderly behaviour; and may expel a member.

Sect. 7. The House of Representatives, and the Senate when it shall be acting in a legislative capacity, shall keep a journal of their proceedings; and shall, from time to time, publish them; and the yeas and nays of the members of each House, on any question, shall, at the desire of one fifth part of the members present, be entered on the Journal.

Sect. 8. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that at which the two Houses are sitting. But this regulation shall not extend to the Senate when it shall exercise the powers mentioned in the Article.

Sect. 9. The members of each House shall be ineligible to, and incapable of holding, any office

under the authority of the United States, during the time for which they shall respectively be elected; and the members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards.

Sect. 10. The members of each House shall receive a compensation for their services, to be ascertained and paid by the state in which they shall be chosen.

Sect. 11. The enacting style of the laws of the United States shall be, "Be it enacted, and it is hereby enacted, by the House of Representatives, and by the Senate, of the United States, in Congress assembled."

Sect. 12. Each House shall possess the right of originating bills, except in the cases before mentioned.

Sect. 13. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States for his revision. If, upon such revision, he approve of it, he shall signify his approbation by signing it. But if, upon such revision, it shall appear to him improper for being passed into a law, he shall return it, together with his objections against it, to that House in which it shall have originated; who shall enter the objections at large on their Journal, and proceed to reconsider the bill. But if, after such reconsideration, two thirds of that House shall, notwithstanding the objections of the President, agree to pass it, it shall, together with his objections, be sent to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of the other House also, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within seven days after it shall have been presented to him, it shall be a law, unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

Article VIII, Sect. 1. The legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises;

To regulate commerce with foreign nations, and among the several states;

To establish a uniform rule of naturalization throughout the United States;

To coin money;

To regulate the value of foreign coins;

To fix the standard of weights and measures;

To establish post-offices;

To borrow money, and emit bills, on the credit of the United States;

To appoint a treasurer by ballot;

To constitute tribunals inferior to the supreme court;

To make rules concerning captures on land and water;

To declare the law and punishment of piracies and felonies committed on the high seas, and the punishment of counterfeiting the coin of the United States, and of offences against the law of nations;

To subdue a rebellion in any state, on the application of its legislature;

To make war;

To raise armies;

To build and equip fleets;

To call forth the aid of the militia, in order to execute the laws of the Union, enforce treaties, suppress insurrections, and repel invasions;

And to make all laws that shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Sect. 2. Treason against the United States shall consist only in levying war against the United States, or any of them; and in adhering to the enemies of the United States, or any of them. The legislature of the United States shall have power to declare the punishment of treason. No person shall be convicted of treason, unless on the testimony of two witnesses. No attainder of treason shall work corruption of blood, nor forfeiture, except during the life of the person attainted.

Sect. 3. The proportions of direct taxation shall be regulated by the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description (except Indians not paying taxes); which number shall, within six years after the first meeting of the legislature, and within the term of every ten years afterwards, be taken in such a manner as the said legislature shall direct.

Sect. 4. No tax or duty shall be laid by the legislature on articles exported from any state; nor on the migration or importation of such persons as the several states shall think proper to admit; nor shall such migration or importation be prohibited.

Sect. 5. No capitation tax shall be laid, unless in proportion to the census hereinbefore directed to be taken.

Sect. 6. No navigation act shall be passed without the assent of two thirds of the members present in each House.

Sect. 7. The United States shall not grant any title of nobility.

Article VIII. The acts of the legislature of the United States made in pursuance of this Constitution, and all treaties made under the authority of the United States, shall be the supreme law of the several states, and of their citizens and inhabitants; and the judges in the several states shall be bound thereby in their decisions, anything in the constitutions or laws of the several states to the contrary notwithstanding.

Article IX, Sect. 1. The Senate of the United States shall have power to make treaties, and to appoint ambassadors, and judges of the supreme court.

Sect. 2. In all disputes and controversies now subsisting, or that may hereafter subsist, between two or more states, respecting jurisdiction or territory, the Senate shall possess the following powers:—Whenever the legislature, or the executive authority, or lawful agent of any state, in controversy with another, shall, by memorial to the Senate, state the matter in question, and apply for a hearing, notice of such memorial and application shall be given, by order of the Senate, to the legislature, or the executive authority, of the other state in controversy. The Senate shall also assign a day for the appearance of the parties, by their agents, before that House. The agents shall be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question. But if the agents cannot agree, the Senate shall name three persons out of each of the several states; and from the list of such persons, each party shall alternately strike out one, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine, names, as the Senate shall direct, shall, in their presence, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy; provided a majority of the judges who shall hear the cause agree in the determination. If either party shall neglect to attend at the day assigned, without showing sufficient reasons for not attending, or being present shall refuse to strike, the Senate shall proceed to nominate three persons out of each state, and the clerk of the Senate shall strike in behalf of the party absent or refusing. If any of the parties shall refuse to submit to the authority of such court, or shall not appear to

prosecute or defend their claim or cause, the court shall nevertheless proceed to pronounce judgment. The judgment shall be final and conclusive. The proceedings shall be transmitted to the President of the Senate, and shall be lodged among the public records, for the security of the parties concerned. Every commissioner shall, before he sit in judgment, take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward."

Sect. 3. All controversies concerning lands claimed under different grants of two or more states, whose jurisdictions, as they respect such lands, shall have been decided or adjusted subsequently to such grants, or any of them, shall, on application to the Senate, be finally determined, as near as may be, in the same manner as is before prescribed for deciding controversies between different states.

Article X, Sect. 1. The executive power of the United States shall be vested in a single person. His style shall be, "The President of the United States of America," and his title shall be, "His Excellency." He shall be elected by ballot by the legislature. He shall hold his office during the term of seven years; but shall not be elected a second time.

Sect. 2. He shall, from time to time, give information to the legislature of the state of the Union. He may recommend to their consideration such measures as he shall judge necessary and expedient. He may convene them on extraordinary occasions. In case of disagreement between the two Houses, with regard to the time of adjournment, he may adjourn them to such time as he thinks proper. He shall take care that the laws of the United States be duly and faithfully executed. He shall commission all officers of the United States; and shall appoint officers in all cases not otherwise provided for by this Constitution. He shall receive ambassadors, and may correspond with the supreme executives of the several states. He shall have power to grant reprieves and pardons, but his pardon shall not be pleadable in bar of an impeachment. He shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states. He shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during his continuance in office. Before he shall enter on the duties of his department, he shall take the following oath

or affirmation, "I solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States of America." He shall be removed from his office on impeachment by the House of Representatives, and conviction, in the supreme court, of treason, bribery, or corruption. In case of his removal, as aforesaid, death, resignation, or disability to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties until another President of the United States be chosen, or until the disability of the President be removed.

Article XI, Sect. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as shall, when necessary, from time to time, be constituted by the legislature of the United States.

Sect. 2. The judges of the supreme court, and of the inferior courts, shall hold their offices during good behaviour. They shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Sect. 3. The jurisdiction of the supreme court shall extend to all cases arising under laws passed by the legislature of the United States; to all cases affecting ambassadors, other public ministers, and consuls; to the trial of impeachments of officers of the United States; to all cases of admiralty and maritime jurisdiction; to controversies between two or more states (except such as shall regard territory or jurisdiction); between a state and the citizens of another state; between citizens of different states; and between a state or the citizens thereof, and foreign states, citizens, or subjects. In cases of impeachment, cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, this jurisdiction shall be original. In all the other cases before mentioned, it shall be appellate, with such exceptions, and under such regulations, as the legislature shall make. The legislature may assign any part of the jurisdiction above mentioned (except the trial of the President of the United States), in the manner and under the limitations which it shall think proper, to such inferior courts as it shall constitute from time to time.

Sect. 4. The trial of all criminal offences (except in cases of impeachment) shall be in the state where they shall be committed; and shall be by jury.

Sect. 5. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any

office of honour, trust, or profit, under the United States. But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Article XII. No state shall coin money; nor grant letters of marque and reprisal; nor enter into any treaty, alliance, or confederation; nor grant any title of nobility.

Article XIII. No state, without the consent of the legislature of the United States, shall emit bills of credit, or make anything but specie a tender in payment of debts; nor lay imposts or duties on imports; nor keep troops or ships of war in time of peace; nor enter into any agreement or compact with another state, or with any foreign power; nor engage in any war, unless it shall be actually invaded by enemies, or the danger of invasion be so imminent as not to admit of a delay until the legislature of the United States can be consulted.

Article XIV. The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.

Article XV. Any person charged with treason, felony, or high misdemeanor in any state, who shall flee from justice, and shall be found in any other state, shall, on demand of the executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of the offence.

Article XVI. Full faith shall be given in each state to the acts of the legislatures, and to the records and judicial proceedings of the courts and magistrates of every other state.

Article XVII. New states lawfully constituted or established within the limits of the United States may be admitted, by the legislature, into this government; but to such admission the consent of two thirds of the members present in each House shall be necessary. If a new state shall arise within the limits of any of the present states, the consent of the legislatures of such states shall be also necessary to its admission. If the admission be consented to, the new states shall be admitted on the same terms with the original states. But the legislature may make conditions with the new states concerning the public debt which shall be then subsisting.

Article XVIII. The United States shall guaranty to each state a republican form of government; and shall protect each state against foreign invasions, and, on the application of its legislature, against domestic violence.

Article XIX. On the application of the legislatures of two thirds of the states in the Union, for an amendment of this Constitution, the legislature

of the United States shall call a convention for that purpose.

Article XX. The members of the legislatures, and the executive and judicial officers of the United States, and of the several states, shall be bound by oath to support this Constitution.

Article XXI. The ratification of the conventions of states shall be sufficient for organizing this Constitution.

Article XXII. This Constitution shall be laid before the United States in Congress assembled, for their approbation; and it is the opinion of this Convention, that it should be afterwards submitted to a convention chosen in each state, under the recommendation of its legislature, in order to receive the ratification of such convention.

Article XXIII. To introduce this government, it is the opinion of this Convention, that each assenting convention should notify its assent and ratification to the United States in Congress assembled; that Congress, after receiving the assent and ratification of the conventions of states, should appoint and publish a day, as early as may be, and appoint a place, for commencing proceedings under this Constitution; that, after such publication, the legislatures of the several states should elect members of the Senate and direct the election of the members of the House of Representatives; and that the members of the legislature should meet at the time and place assigned by Congress, and should, as soon as may be after their meeting, choose the President of the United States, and proceed to execute this Constitution.*

To determine the extent of the powers granted to Congress was a difficult matter and occupied much time; it was necessary to "draw a line of demarkation which would give to the general government every power requisite for general purposes, and leave to the States every power which might be most beneficially administered by them." The committee

* Curtis, *Constitutional History*, vol. i., pp. 721-728; Taylor, *Origin and Growth of the Constitution*, App. xvii.; Hunt, *Madison's Journal*, vol. ii., pp. 76-90.

of detail provided that the legislative power should be vested in a Congress of two branches — Senate and House — each of which should have a negative on the other, and while the Convention had decided by whom the members of Congress were to be appointed, nothing had been settled regarding the qualifications of the electors of representatives nor regarding the qualifications of the members themselves. These two questions therefore remained open — who were to be the people of a State and what persons were to be eligible to legislate for them. At this time large numbers of foreigners were arriving in America, who had, of course, taken no part in obtaining freedom for the country, and a place must be assigned to them in the general political system. The war had engendered a strong American feeling which was intensely jealous of foreign influence, and there was a fairly settled determination that the institutions and legislatures of the country should be effectually safeguarded against foreign control or influence. At the same time it was said that nothing ought to be done which would discourage emigration from Europe of those who might become useful citizens. Such men as Hamilton, Wilson, Robert Morris, and Fitzsimmons were of foreign birth, and as they were high in the councils of the country, it was seen that it would be utterly impossible to exclude all persons of *foreign birth* from being electors or from being elected to

office. The various States had different qualifications for holding office, and dissatisfaction would surely arise if distinct and special qualifications were required under the National Constitution. But it was felt to be essential that the States should surrender to the National government the power to determine what period of residence in the country should be required before persons of foreign birth might assume the privileges and rights of citizenship. The committee of detail recommended that whomever the States by their laws allowed to vote for the most numerous branch of their own legislatures, should be allowed to vote for representatives in Congress. The power of naturalization was transferred to the National government, thereby giving the National legislature power to withhold the privileges of general citizenship, although a State might confer upon foreigners the power of voting without previous naturalization. These recommendations were adopted by large majorities.*

In the course of the debate regarding the rights of suffrage, Butler said:

“There is no right of which the people are more jealous than that of suffrage. Abridgments of it tend to the same revolution as in Holland, where they have at length thrown all power into the hands of the Senate, who fill vacancies themselves and form rank aristocracy.”

Dickinson considered the freeholders of the country as the best

* Curtis, *Constitutional History*, vol. 1., pp. 439–444.

guardians of liberty, but Ellsworth said: "How shall the freehold be defined? Ought not every man who pays a tax, to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers, who will bear a full share of the public burthens be not allowed a voice in the imposition of them? Taxation and representation ought to go together." * Gouverneur Morris said:

"The aristocracy will grow out of the House of Representatives. Give the votes to the people who have no property and they will sell them to the rich who will be able to buy them. We should not confine our attention to the present moment. The time is not far distant when this country will abound with mechanics and manufacturers who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty? Will they be the impregnable barrier agst aristocracy? * * * The man who does not give his vote freely is not represented. It is the man who dictates the vote. Children do not vote. Why? because they want prudence, because they have no will of their own. The ignorant & the dependent can be as little trusted with the public interest." †

Madison said:

"The right of suffrage is certainly one of the fundamental articles of republican Government, and ought not to be left to be regulated by the Legislature. A gradual abridgment of this right has been the mode in which the aristocracies have been built on the ruins of popular forms. Whether the Constitutional qualification ought to be a freehold, would with him depend much on the probable reception such a change would meet with in States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject on its merits alone, the freeholders of the Country would be the safest depositories of Republican liberty. In future times a great majority of the people will not only be

without landed but any other sort of property. These will either combine under the influence of their common situation: in which case, the rights of property & the public liberty will not be secure in their hands: or which is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side. The example of England has been misconceived (by Col. Mason). A very small proportion of the Representatives there are chosen by freeholders. The greatest part are chosen by the Cities & Boroughs, in many of which the qualification of suffrage is as low as it is in any one of the United States & it was in the Boroughs and Cities rather than the Counties that bribery most prevailed, & the influence of the Crown on elections was most dangerously exerted." *

By Section 2 of Article iv. of the draft it was provided that every representative "shall be of the age of twenty-five years at least; shall have been a citizen in the United States for at least three years before his election; and shall be at the time of his election, a resident of the state in which he shall be chosen." As will be remembered, the committee had been instructed to report qualifications of property and citizenship for the members of every department of the government, but as this was an embarrassing subject, in addition to the above provision, they simply incorporated a provision (art. vi., sec. 2) that "the legislature shall have authority to establish such uniform qualifications of the members of each House, with regard to property, as to the said legislature shall seem expedient." As property qualification was far less important than the fact of citizenship, this clause

* Hunt, *Madison's Journal*, vol. ii., p. 97.

† *Ibid*, p. 98.

* *Ibid*, vol. ii., pp. 99-100.

was dropped.* But the term of previous citizenship for Representatives and Senators was important, and after various periods had been suggested, the term of seven years was finally determined upon, all the States agreeing to it except Connecticut.† An attempt was made to exempt foreigners who were then citizens of the States, upon the plea that while according to State law they could ratify the Constitution, it was unjust to prevent them from holding office in the National government until they had enjoyed the privileges of citizenship for seven years. But this attempt was unsuccessful, Connecticut, New Jersey, Pennsylvania, Maryland and Virginia voting in the affirmative, while New Hampshire, Massachusetts, Delaware, North Carolina, South Carolina, and Georgia voted against, the noes thus prevailing by a majority of one State only.‡

The committee of detail had recommended that there should be one representative for every 40,000 inhabitants, and this ratio was now adopted in the article relating to the House, but not before an effort had been made to exclude the slaves from enumeration. At a subsequent stage of the proceedings, however, some of the members endeavored to obtain a

more numerous representation, but a motion to reconsider was lost, and it was not until the Constitution had been engrossed and was about to be signed that an alteration was agreed to at the suggestion of Gorham, seconded by Washington.* On the last day, September 17, Washington arose and remarked that, "though he was sensible of the impropriety of the chairman's intermingling in the debates, yet he could not help observing, that the small number which constituted the representative body appeared to him a defect in the plan—that it would better suit his ideas, and he believed it would be more agreeable to the people, if the number should be increased, and that the ratio should be one for every thirty thousand." The motion for reducing the ratio was then almost unanimously adopted.†

The power of the President and the method of electing him was also a subject which excited much debate, the general subject of the executive office being discussed on twenty-one different days, while on the method of election thirty votes were taken.‡

It had first been the plan to have the Senate make the choice, but Wilson feared that, together with its

* Curtis, *Constitutional History*, vol. i., pp. 444–445; Hunt, *Madison's Journal*, vol. ii., pp. 128–132.

† Hunt, *Madison's Journal*, vol. ii., pp. 107–110, 120–125, 142–149.

‡ *Ibid.*, vol. ii., p. 148; Curtis, *Constitutional History*, vol. i., pp. 445–448.

* As to Washington's having ever addressed the Convention from the chair, see Lodge, *George Washington*, vol. ii., pp. 32–33, note.

† Hunt, *Madison's Journal*, vol. ii., p. 392.

‡ McLaughlin, *The Confederation and the Constitution*, p. 267. See also Hunt, *Madison's Journal*, vol. i., pp. 49–57, 62 *et seq.*, 67–69, 107–109, vol. ii., p. 1 *et seq.*

other' rights, the Senate would have too much power, saying: "According to the plan as it now stands the President will not be the man of the people as he ought to be, but the minion of the Senate. He cannot even appoint a tide-waiter without the Senate."* The matter was referred to a committee of compromise, together with several other measures, and it was agreed that each State should appoint a number of electors equal to its representation in Congress, that each elector should vote for two persons, and that the one receiving the highest number of votes, if a majority, should be President, and the one receiving the next highest, should be Vice-President, the term being decided upon as four years. In case no candidate should receive a majority of the votes, the choice should devolve upon the House.†

Another long debate occurred regarding the right to originate money bills, it first having been proposed that this power should belong to the House only, as the body in which the people were most directly represented. But when the Convention had come to a deadlock regarding the equality of votes in the Senate, the small States compromised with the large States (who did not

favor equality) by offering to allow the House the exclusive right to originate money bills. After the draft had come down from the committee of detail, strong opposition developed, and it was proposed that bills for raising money for the purpose of revenue or appropriating money should originate in the House and should not be so altered and amended by the Senate as to increase or diminish the sum to be raised, to change the mode of levying it, or the object of appropriation. This proposition was lost and the debate on the President was taken up, but as no definite action could be taken by the Convention, a committee of compromise was appointed and both matters compromised by transferring the election of the President in case of a deadlock to the House instead of the Senate, while on the other hand, the Senate was given the right to amend the revenue bills, in which shape both measures were adopted.* There were long debates also on the numbers and qualifications of Senators, the powers of the Senate, executive influence, disqualifications for office, the election of Senators and Representatives, impeachments, the Vice-Presidency, the methods of enacting laws, the President's negative, the seat of government, etc. All these questions

* Hunt's ed. of *Madison's Writings*, vol. iv., p. 381. See also Morris' speech, in Hunt, *Madison's Journal*, vol. ii., p. 1 *et seq.*

† Curtis, *Constitutional History*, vol. i., pp. 455-457, 563-583; Fiske, *Critical Period*, p. 279 *et seq.*

* Curtis, *Constitutional History*, vol. i., pp. 452-457. See also Hunt, *Madison's Journal*, vol. ii., pp. 115-116, 118-119, 149-158, 242-245, 298-304, 305-306, 307-325, 337.

were compromised, but we cannot here enter into detail.*

After debate, the general government was specifically granted power to borrow money, emit bills of credit, to coin money, and to regulate the value of foreign coins, to establish post-offices and post-roads, to declare war and to grant letters of marque and reprisal, to raise and support armies, to provide and maintain a navy, to call out the militia under certain conditions, to establish a uniform rule of naturalization, to regulate Indian affairs, to fix the standard

of weights and measures, to define and punish piracy on the high seas, to constitute tribunals inferior to the supreme court, etc., and "to make all the laws which may be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States or in any department or office thereof."* Regarding the judiciary, it had been determined that there should be one supreme tribunal under the Constitution, and that the legislature should have power to establish inferior tribunals; but before referring the subject to the committee of detail, nothing more precise had been determined upon respecting jurisdiction than the broad principles which declared that it should extend to cases arising under laws passed by the general legislature, and to such other questions as might touch the national peace and harmony. The committee of detail provided that the jurisdiction should embrace cases arising under the laws of the United States and include all cases affecting ambassadors, other public ministers and consuls, impeachments of government officials, all cases of admiralty and maritime jurisdiction, interstate controversies, excepting such as might regard territory or jurisdiction, controversies between citizens

* See Curtis, *Constitutional History*, vol. i., pp. 457-493. On the various compromises, see Max Farrand, *Compromises of the Constitution*, in *American Historical Review*, vol. ix., pp. 479-489; Bancroft, vol. vi., pp. 292-366. See also William M. Meigs, *Growth of the Constitution in the Federal Convention of 1787* (1900); *ibid*, *The Relation of the Judiciary to the Constitution*, in *American Law Review*, pp. 175-203 (1885); *Documentary History of the Constitution, 1786-1870*, vols. i.-iii. (5 vols., 1894-1906); King, *Life and Correspondence of Rufus King*, vol. i., pp. 587-621 (King's Minutes); Patterson's notes in *American Historical Review*, vol. ix., pp. 310-340; Yates' notes in Elliot, *Debates*, vol. i., pp. 389-479; Martin's Letters in Elliot, *Debates*, vol. i., pp. 344-389; Hamilton's notes in *American Historical Review*, vol. x., pp. 97-109; Pierce's notes in *ibid*, vol. iii., pp. 310-344; W. T. Brantly, *Formation of the Federal Constitution*, in *Southern Law Review*, vol. vi. (August, 1880); C. E. Stevens, *Sources of the Constitution*, chap. ii.; J. F. Baker, *The Federal Constitution*; S. G. Fisher, *Evolution of the Constitution*; Max Farrand (ed.), *Records of the Federal Convention of 1787* (1911). Regarding Bancroft's so-called "Connecticut plan," see Hannis Taylor, *A Bancroftian Invention*, in *Yale Law Journal*, vol. xviii., no. 2, pp. 75-84 (December, 1908). For a discussion of the powers of the judiciary, Congress, the President, etc., see Story, *Commentaries on the Constitution*, vol. i., pp. 388-762, vol. ii., pp. 1-208, 280-390, 391-576.

* McLaughlin, *The Confederation and the Constitution*, p. 254; Curtis, *Constitutional History*, vol. i., chaps. xxvii.-xxviii.; Fiske, *Critical Period*, p. 268 *et seq*.

of different States, between a State and the citizens of another State, and between a State or its citizens and foreign States, citizens or subjects. In impeachment cases, cases affecting ambassadors, other public ministers and consuls, and those in which a State was a party, the original jurisdiction was assigned to the supreme court, but in the other cases enumerated, the jurisdiction of the supreme tribunal was to be appellate only, with such exceptions and regulations as the legislature might make; original jurisdiction in these cases being assigned to such inferior tribunals as might be created. Criminal offences, except impeachments, were to be tried before the jury in the State in which the crime was committed, while controversies between States respecting jurisdiction or territory and controversies over land claimed under grants by different States were to be tried by the Senate. When brought before the Convention, several provisions were added to those of the committee of detail. The supreme tribunal should determine as to whether or not the laws passed by the various States were constitutional; and all judicial cases arising under the Constitution, laws or treaties of the United States should come within the cognizance of the national judiciary. In order that criminal offences committed outside the limits of any State might be tried before a jury, the Convention provided that the trial should be at such

place or places as Congress might by law have directed.*

The sectional differences between the North and South showed themselves particularly in the debates on the regulation of commerce and the importation of slaves. It was obvious that the various States could not be relied upon to levy equitable and uniform duties nor properly to manage commercial relations, for there were bound to be as many tariff schedules and as many policies as there were States. Twice during the course of the debates General Pinckney had given notice that, if the federal government possessed power to tax exports, South Carolina would not enter the new Union. It was also very doubtful whether all the Southern States would surrender to the general government the power to prohibit the slave trade. The South had agreed that only three fifths of her slave population should be counted for representation purposes, but she had not agreed to surrender the right to increase the slave population by importing slaves, and it was therefore seen that, unless some compromise could be made, neither North nor South would ratify the Constitution.†

When the Constitution was framed, there was not a single product common to all the States of sufficient

* For the formation and the functions of the national judiciary, see Curtis, *Constitutional History*, vol. i., chap. xxx. See also Hunt, *Madison's Journal*, pp. 260-261.

† Curtis, *Constitutional History*, vol. i., p. 495.

importance to be generally exported. The exports were so various both in kind and amount that a tax on a Southern product could not be balanced by a tax on a Northern product—an export duty on the tobacco of Virginia or the rice or indigo of South Carolina could not be equalized by a similar duty on the lumber, fish or flour of the other States. It was therefore quite impossible to obtain the consent of all the States to allow Congress to regulate both imports and exports—a full and complete revenue power. Washington, Gouverneur Morris, Madison, Dickinson, and Wilson were known to have favored the granting of such power to Congress, but as South Carolina had taken a decided stand against it, the committee of detail inserted in their draft of the Constitution a distinct prohibition against levying a tax or duty on exports (art. vii., sec. 4).

A similar question was bound to arise in connection with the slave trade; for, if Congress had unlimited and universal power to regulate commerce, that power must include the right to prohibit the importation of slaves, but if this latter right belonged to the States, it must be so clearly and definitely established in the Constitution. As the slaves were to be reckoned in as a basis of representation, the Northern States had a strong political motive for wishing to empower the general government to prohibit further importation—they designed to take away the power

of a State to increase its congressional representation by bringing slaves from Africa. While the trade had been prohibited by all the other States (including Maryland and Virginia) North Carolina, South Carolina, and Georgia only subjected the trade to a duty. A clear distinction was made between prohibiting future importation of slaves and the manumission of those already in the country, for the power to prohibit future importation could be made without trenching upon the sovereign control of the States over the condition of all persons within their limits, while the power to determine whether the slaves should continue in slavery could not be surrendered without overturning every principle on which the system of the new government had been rested.*

Charles Pinckney said that if the South were not molested, she would in time and of her own accord stop the importation of slaves, but if this right were taken away, it would probably produce a serious objection to the adoption of the Constitution.† But he then attempted to justify slavery. C. C. Pinckney said that the passage of a prohibitory act would automatically exclude South Carolina from the Union, and he was supported by Williamson of North

* Curtis, *Constitutional History*, vol. i., pp. 498–499.

† McLaughlin, *The Confederation and the Constitution*, p. 262; Fiske, *Critical Period*, p. 266; Hunt, *Madison's Journal*, vol. ii., pp. 218–219.

Carolina and Rutledge.* Martin said that to permit the importation of slaves was contrary to the principles upon which the Revolution was fought and dishonorable to the character of Americans, while Madison thought it wrong to allow anything to be incorporated in the Constitution which would give an idea "that there could be property in men."† Mason said that he was very sorry that the North "had from a lust of gain embarked in this nefarious traffic."‡ "Slavery discourages art & manufactures. The poor despise labor when performed by slaves. * * * They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a Country."|| The difficulty was to effect a compromise, for, if slaves were excluded, at least two States would refuse to accept the Constitution; while, on the other hand, if importation of slaves were permitted, many in the North would revolt. Rutledge of South Carolina said: "Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is, whether the Southern States shall or shall not be parties to the Union. If the Northern States con-

sult their interest, they will not oppose the increase of slaves, which will increase the commodities of which they will become the carriers." The response came from Connecticut, Oliver Ellsworth saying: "Let every State import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves. What enriches a part enriches the whole," and he might have added that this was particularly applicable to Newport and the adjacent coasts with their trade to the African coast.*

When the committee of detail made its report, the commercial power was shaped so as to compromise matters, it being provided that Congress should "have the power to lay and collect taxes, duties, imposts, and excises, [and] to regulate commerce with foreign nations and among the several States" (art. vii., sec. 1.), but several restrictions were also suggested. It was provided that direct taxation should be proportioned among the several States according to the census (art. vii., sec. 3); that "no tax or duty [should] be laid by the legislature on articles exported from any State; nor on the migration or importation of such persons as the several States [should] think proper to admit; nor [should] such migration or exportation be prohibited" (sec. 4); that "no capitation tax should be laid

* *Ibid*, vol. ii., pp. 221, 223, 224.

† Hunt's ed. of *Madison's Writings*, vol. iv., pp. 264-306.

‡ *Ibid*, p. 266; Fiske, *Critical Period*, p. 264.

|| Hunt, *Madison's Journal*, vol. ii., p. 220.

* Gay, *Life of Madison*, p. 136.

unless in proportion to the census" (sec. 5); and that "no navigation act [should] be passed without the assent of two-thirds of the members present in each House" (sec. 6). When this report was received, it was seen that the hands of the national legislature were tied in two important respects. It could neither prohibit the importation of slaves nor tax exports. The Northerners had conceded slave representation in the hope that the plan of government might be strengthened and that power would be given to it to raise revenue and to regulate commerce. Now that they were up against a brick wall, they argued that if slaves could be imported, there was no reason why exports produced by their labor should not be taxed to enable the general government to defend their masters. On August 8 Rufus King said that this proposition was so reasonable that he could not consent to the representation of the slaves unless exports should be taxable, and perhaps would not consent to slave representation at all. Said he:

"What are the objects of the Gen'l System? 1. defence ag't foreign invasion. 2. ag't internal sedition. Shall all the States then be bound to defend each; & shall each be at liberty to introduce a weakness which will render defence more difficult? Shall one part of the United States be bound to defend another part, and that other part be at liberty not only to increase its own danger, but to withhold the compensation of the burden? If slaves are to be imported shall not the exports produced by their labor, supply a revenue the better to enable the Gen'l Gov't to defend their masters? There is so much inequality and unreasonableness in all this, that the people of the Northern States could never be

reconciled to it. No candid man could undertake to justify it to them. He had hoped that some accommodation w'd have taken place on this subject; that at least a time w'd have been limited for the importation of slaves. He never could agree to let them be represented in the Nat'l Legislature. Indeed he could so little persuade himself of the rectitude of such a practice that he was not sure he could assent to it under any circumstances. At all events, either slaves should not be represented or exports should be taxable." *

Gouverneur Morris now attempted to open the old sore of representation. After comparing the Northern and Southern States he said:

"Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them Citizens and let them vote. Are they property? Why then is no other property included? The houses in this city (Philad'a) are worth more than all the wretched slaves which cover the rice swamps of South Carolina. The admission of slaves into the Representation when fairly explained comes to this; that the inhabitants of Georgia and S. C. who go to the Coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections & damns them to the most cruel bondages, shall have more votes in a Gov't instituted for the protection of the rights of mankind, than the Citizens of P'a. or N. Jersey who view with a laudable horror, so nefarious a practice. He would add that Domestic slavery is the most prominent feature in the aristocratic countenance of the proposed Constitution. The vassalage of the poor has ever been the favorite offspring of Aristocracy. And What is the proposed compensation to the Northern States for a sacrifice of every principle of right, of every impulse of humanity. They are to bind themselves to march their militia for the defence of the S. States; for their defence ag't those very slaves of whom they complain. They must supply vessels & seamen in case of foreign attack. The Legislature will have indefinite power to tax them by excises, and duties on imposts: both of which will fall heavier on them than on the Southern inhabitants; for the Bohea tea used by a Northern freeman, will pay more tax than the whole consumption of the miserable slave, which consists of nothing more than his

* Hunt, Madison's *Journal*, vol. ii., p. 111.

physical subsistence and the rag that covers his nakedness. On the other side the Southern States are not to be restricted from importing fresh supplies of wretched Africans, at once to increase the danger of attack, and the difficulty of defence; nay they are to be encouraged to it by an assurance of having their votes in the Nat'l Gov't increased in proportion, and are at the same time to have their exports & their slaves exempt from all contributions for the public service. Let it not be said that direct taxation is to be proportioned to representation. It is idle to suppose that the Gen'l Gov't can stretch its hand directly into the pockets of the people scattered over so vast a Country. They can only do it through the medium of exports, imports, and excises. For What then are all the sacrifices to be made? He would sooner submit himself to a tax for paying for all the negroes in the U. States, than saddle posterity with such a Constitution." *

But fortunately his motion to insert the word "free" before "inhabitants" received only one vote.†

No matter how the question of restricting the power of the government to tax exports was decided, some members of the Convention were bound to object. There was also another question involved. The national government was prohibited from taxing exports but the States still retained that power. If they still retained the power to tax their own exports, they also had the same right to tax the products of other States exported through their maritime towns. It was therefore apparent that the interior States were at the mercy of the coast States and that consequently the general government ought to have the power to regulate duties equitably. Nevertheless seven

States (Massachusetts, Connecticut, Maryland, Virginia [Washington and Madison *no*], North Carolina, South Carolina, and Georgia) on August 21, voted that the legislature should not have the power to tax exports. New Hampshire, New Jersey, Pennsylvania, and Delaware voted in the affirmative.* The committee of detail had also incorporated a provision that to pass a navigation act required the vote of two thirds of the members of each House, and the Southern members insisted on this rule, North Carolina, and South Carolina, and Georgia also insisting that, unless they had the right to import slaves, they would not ratify the Constitution. Gouverneur Morris then proposed that the three matters of exports, slave trade and a navigation act be referred to a committee of one from each State, so that the matter might be compromised,† this committee consisting of Langdon, King, Johnson, Livingston, Clymer, Dickinson, Luther Martin, Madison, Williamson, C. C. Pinckney, and Baldwin. After due consideration, it was compromised by recommending that the importation of slaves be prohibited after 1880, but that a tax or duty not exceeding the average rate of duties levied on exports might be imposed on such persons; that the capitation tax should remain; and

* *Ibid*, pp. 112-114.

† Curtis, *Constitutional History*, vol. i., pp. 502-503.

* Curtis, vol. i., p. 505. See also Hunt, *Madison's Journal*, vol. ii., pp. 177-180, 213-218.

† Hunt, *Madison's Journal*, vol. ii., p. 225.

that the provision requiring a navigation act to be passed by a vote of two thirds should be stricken out.* This recommendation was changed in only two respects: the duty on imported slaves being fixed at \$10 and the limit of importation being changed from 1800 to 1808.† In this form the compromise was passed by a vote of seven States (New Hampshire, Massachusetts, Connecticut, North Carolina, South Carolina, and Georgia) against four (New Jersey, Pennsylvania, Delaware, and Virginia).‡ Thus was accomplished a compromise which gave to the general government its control over the com-

mercial relations of the States with foreign nations and with each other.

Having now compromised the chief points on which disputes arose, it remained only to guarantee to every State a republican form of government, to protect the States from foreign invasion and domestic violence, and to determine the mode of amending and ratifying the Constitution. The original Confederation was made incapable of alteration except by the unanimous assent of the States, and it was felt that this should be changed. The committee of detail was therefore instructed to incorporate a provision for amending the Constitution whenever it should seem necessary. In their first draft, therefore, the committee provided that, "on the application of the legislatures of two thirds of the States in the Union, for an amendment to this Constitution, the legislature shall call a convention for that purpose" (art. xix.), but this article did not state whether the legislature should propose amendments to be adopted by the Convention, or whether the Convention should both propose and adopt them, or only propose amendments to be adopted by some other body. As this was very indefinite and inadequate, Madison introduced a substitute method (now the fifth article of the Constitution) providing that Congress, whenever two thirds of both Houses should deem it necessary, should propose amendments, or upon the application of two

* *Ibid.*, p. 241.

† Madison said: "Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the American character than to say nothing about it in the Constitution."—Gilpin, *Madison Papers*, vol. ii., p. 1427. See also *Madison's Works* (Congress ed.), vol. iii., p. 149 *et seq.*

‡ Hunt, *Madison's Journal*, vol. ii., pp. 250-251; Curtis, *Constitutional History*, vol. i., pp. 510-511; Hunt's ed. of *Madison's Writings*, vol. iv., pp. 292, 303, 306; Thorpe, *Story of the Constitution*, pp. 137-138; Hunt, *Life of Madison*, pp. 125-126. Pinckney summed up the result of this compromise to his constituents as follows: "By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared that the importation shall be then stopped; it may be continued. We have a security that the general government can never emancipate them, for no such authority is granted. * * * We have obtained a right to recover our slaves, in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms, for the security of this species of property, it was in our power to make. We would have made better if we could, but on the whole I do not think them bad."—Gay, *Life of Madison*, pp. 108-109.

thirds of the State legislatures should call a convention for proposing amendments, these amendments to become valid as part of the Constitution when ratified by the legislatures of three fourths of the States, or by conventions in three fourths of the States.* This power of amendment was limited in some respects. It will be remembered that the States were allowed to import slaves up to the year 1808 and that Congress could not lay a capitation or other direct tax, unless in proportion to the census or enumeration of the inhabitants of the States in which only three-fifths of the slaves were included. It will be remembered also that the smaller States had long and finally successfully contended for equal representation in the Senate. Mr. Rutledge of South Carolina therefore moved a proviso which forbade any amendment to the clauses regarding slave trade and capitation or other direct taxes, and Mr. Sherman of Connecticut moved that no State should be deprived of its equality of representation in the Senate without its consent. Both amendments were approved by the Convention.†

The other question to be determined was: Should the Constitution go into operation at all unless adopted by all the States, and if so, what number of

States should be necessary to effect its establishment? The committee of detail had declared that the Constitution must first be submitted to the approbation of the existing Congress and then to assemblies of representatives to be recommended by the State legislatures to be expressly chosen by the people to consider and decide upon it. But this did not state what disposition was to be made of those States that should reject it. Would it be possible for some of the States to withdraw from the Confederation and establish for themselves a new general government, or should the ratification by a majority of the States establish the Constitution and so bind the minority? It appeared clear that, if a unanimous adoption were required, the labors of the Convention would be defeated. Rhode Island had taken no part in the Convention; New York was not represented for several weeks; and the majority of the other delegates had declared themselves opposed to it; and Luther Martin of Maryland predicted that his State would reject it. Under these circumstances, a unanimous requirement would have been fatal to the experiment of creating a new government. It was therefore decided that the ratifications of the conventions of nine States should be sufficient to establish the Constitution between the States that might so ratify it. New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland,

* Hunt, *Madison's Journal*, pp. 339 *et seq.*, 384 *et seq.*

† Bancroft, vol. vi., pp. 363-364; Curtis, *Constitutional History*, vol. i., pp. 613-616; Fiske, *Critical Period*, p. 268 *et seq.*

and Georgia voted in the affirmative and Virginia, North Carolina, and South Carolina in the negative regarding the number of States necessary.*

Having now determined upon the articles, a committee was appointed on September 8, consisting of Johnson, Hamilton, Gouverneur Morris, Madison, and King "to revise the style of and arrange the articles agreed to by the House."† On the 12th this committee reported a revised draft of the Constitution, the text of which owes its luminous order to the great mind of Gouverneur Morris.‡ The Constitution was then engrossed and, having been signed by all but sixteen dissenting members,|| the Convention adjourned on September 17. As an example of Franklin's tact, Madison said that at the

close of the Convention, while the members were signing the Constitution, Franklin pointed to a sun painted on the back of the president's chair, and remarking with a smile that painters had often found it difficult to distinguish a rising from a setting sun, he said: "I have often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that sun behind the president, without being able to tell whether it was rising or setting. But now, at length, I have the happiness to know that it is a rising and not a setting sun."*

A few days before the Convention adjourned, the draft of a letter to Congress was prepared by Washington, submitted to the Convention and adopted,† and after the Constitution had been signed it was transmitted to Congress in this letter, which was as follows:

"IN CONVENTION, Sept. 17, 1787.

"SIR,—We have now the honor to submit to the consideration of the United States, in Congress assembled, that Constitution which has appeared to us the most advisable.

"The friends of our country have long seen and desired, that the power of making war, peace and treaties; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident. Hence results the necessity for a different organization.

* Curtis, *Constitutional History*, vol. i., pp. 617–621; Hunt, *Madison's Journal*, vol. ii., pp. 284–288, 342–346, 368–369.

† Bancroft, vol. vi., pp. 292–356; Hunt, *Madison's Journal*, vol. ii., p. 338.

‡ See his *Life* by Jared Sparks, vol. i., p. 284; also Madison's letter of April 8, 1831, to Jared Sparks, in *Madison's Works* (Congress ed.), vol. iv., p. 169. For his attitude on the various points at issue, see Roosevelt, *Gouverneur Morris*, pp. 133–166. For text, see Thorpe, *Federal and State Constitutions*, vol. i., pp. 19–35; Taylor, *Origin and Growth of the American Constitution*, App. xviii.; Hunt, *Madison's Journal*, vol. ii., pp. 348–359, 398–414; Curtis, *Constitutional History*, vol. i., pp. 728–745. See also Appendix ii. at the end of the present chapter.

|| Schouler, *United States*, vol. i., p. 52; McLaughlin, *The Confederation and the Constitution*, p. 272. For Franklin's speech, see Thorpe, *Story of the Constitution*, p. 139 *et seq.*; Hunt, *Madison's Journal*, vol. ii., pp. 389–391, and for the reasons of some of those who refused to sign, p. 393 *et seq.*

* Parton, *Life of Franklin*, vol. ii., pp. 581–582; Morse, *Life of Franklin*, p. 405; McMaster, *United States*, vol. i., p. 453.

† See Hunt, *Madison's Journal*, vol. ii., pp. 360–361.

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"It is obviously impracticable in the federal government of these states, to secure all the rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty, to preserve the rest. The magnitude of the sacrifice must depend, as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and, on the present occasion, this difficulty was increased by a difference among the several states, as to their situation, extent, habits, and particular interests.

"In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected, and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

"That it will meet the full and entire approbation of every state, is not perhaps to be expected: but each state will doubtless consider, that had her interests alone been consulted, the consequences might have been particularly disagreeable or injurious to others: that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

"With great respect we have the honor to be, Sir, your Excellency's most obedient and humble Servants.

"GEORGE WASHINGTON,

"President.

"By unanimous Order of the Convention.

"HIS EXCELLENCY THE PRESIDENT OF CONGRESS."

One or two omissions in the Constitution should be noted. There is no specific grant of power to the national government to coerce a rebellious State; nor is anything said

as to the right of a State to secede. The Convention framed a Constitution by the adoption of which thirteen peoples, believing themselves independent and sovereign, in reality acknowledged themselves to be but parts of a single political whole.* If the Constitution had contained the above provisions, if it had definitely stated that by adopting it the sovereignty of the nation would be acknowledged, and that no part or parts could sever connection from the rest without the consent of the whole, probably every State in the Union would have rejected it. These omissions may be called a compromise between State sovereignty and nationalism. Without these compromises, the Constitution would not have been adopted, but it is important to note that all of them proved to be denationalizing forces, "they tended to perpetuate that feeling of separateness and isolation, that state selfishness or state patriotism, the prevalence of which made the period between 1783 and 1787 a dangerous critical period in American history."† These compromises at various times seriously threatened the very existence of the Union, and men

* Writing to Jefferson October 24, 1787, Madison says: "It was generally agreed that the objects of the Union could not be secured by any system founded on the principle of a confederation of Sovereign States. A voluntary observance of the federal law by all the members could never be hoped for."—*Madison's Works* (Congress ed.), vol. i., p. 344.

† Gordy, *Political History of the United States*, vol. i., p. 80.

both North and South thought the States possessed the right to withdraw from the Union whenever they saw fit. At the time of the adoption of the Constitution Virginia went so far as to state that "the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression," and that "every power not granted thereby remains with them and at their will." Rhode Island declared that "the powers of government may be resumed by the people whensoever it shall become necessary to their happiness." Daniel Webster, in a speech at Capon Springs, Va., in 1851 said:

"How absurd it is to suppose that when different parties enter into a compact for certain purposes, either can disregard any one provision, and expect, nevertheless, the other to observe the rest. * * * I have not hesitated to say, and I repeat, that if the Northern States refuse wilfully and deliberately to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, and Congress provide no remedy, the South would no longer be bound to observe the compact. A bargain cannot be broken on one side and still bind on the other side. I say to you, gentlemen in Virginia, as I said on the shores of Lake Erie and in the city of Boston, as I may say again in that city or elsewhere in the North, that you of the South have as much right to receive your fugitive slaves as the North has to any of its rights and privileges of navigation and commerce. I am as ready to fight and fall for the constitutional rights of Virginia as I am for those of Massachusetts."

Jefferson Davis expressed the sentiment of the South on January 21, 1861, when he rose in the Senate to resign his seat in that body:

"I rise, Mr. President, for the purpose of an-

nouncing to the Senate that I have satisfactory evidence that the State of Mississippi by a solemn ordinance of her people, in convention assembled, has declared her separation from the United States. * * * If it be the purpose of gentlemen, they may make war against a State which has withdrawn from the Union; but there are no laws of the United States to be executed within the limits of a seceded State. A State, finding herself in the condition in which Mississippi has judged she is—in which her safety requires that she should provide for the maintenance of her rights out of the Union—surrenders all the benefits (and they are known to be many), deprives herself of the advantages (and they are known to be great), severs all the ties of affection (and they are close and enduring), which have bound her to the Union; and thus divesting herself of every benefit—taking upon herself every burden—she claims to be exempt from any power to execute the laws of the United States within her limits. * * * We recur to the principles upon which our government was founded; and when you deny them, and when you deny the right to us to withdraw from a government which, thus perverted, threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence and take the hazard." *

Horace Greeley stated in the *New York Tribune*, November 9, 1860, that the right to secede may be a revolutionary one, but it exists nevertheless." The *New York Herald*, an independent journal, said on November 25, 1860: "Coercion in any event is out of the question. A Union held together by the bayonet would be nothing better than a military despotism." And again: "Each State is organized as a complete government, holding the purse and wielding the sword, possessing the right to break the tie of the confederation,

* See *The South in the Building of the Nation*, vol. ix., pp. 412-417, where the entire speech is given.

and to repel coercion as a nation might repel invasion. * * * Coercion, if it were possible, is out of the question."

However this might have been, when the Convention disregarded the Articles of Confederation, every State that adopted the Constitution sanctioned the action of the Convention and became a party to it. "Every such state admitted that the theory of the Constitution, that the states were independent and sovereign, was false. For, according to the new Constitution, the states were not equal. In the house of representatives the states were to be represented in proportion to their population, and in voting for president their power was to be in nearly the same ratio. The government called into being by the new constitution did not, like the Congress of the Confederation, stop at the sacred boundary-lines of the states. It boldly crossed the Rubicon; it entered the territory of the states and was declared by the constitution, within certain limits, and for certain purposes, to be the supreme authority there. Most decisive of all, every state that voted for the constitution declared that, in a matter of fundamental importance, a certain majority could act for the whole. Nine states, said the constitution (and every state that voted for it said the same thing) could destroy the government of the entire thirteen. If, in a matter of such moment, a certain majority could act for the whole,

why not in any matter? Before the adoption of the constitution, the states might put on the airs of sovereignty without making themselves ridiculous. But when they had adopted it, they tacitly confessed that the crowns of which they had boasted were but the creations of ambitious dreams, for they themselves had acknowledged the supremacy of the real sovereign."*

Nevertheless, it was this great diversity of opinion regarding the rights of the States that plunged the country into one of the most terrible civil wars known to history. "That civil war was the price which the American people paid for the lack of national patriotism in 1787. With national patriotism enough to have had at heart the highest ultimate good of the whole American people, the Convention would have framed, and the States would have adopted, a constitution without these compromises. But the actual alternatives were a constitution with these denationalizing elements, or anarchy. The work which national patriotism might have done peacefully and without loss in 1787, was done at a terrible cost in the Civil War. The Constitution which was intended to be the great national charter of a free people is no longer disfigured by clauses recognizing slavery. The

* Gordy, *Political History of the United States*, vol. i., pp. 90-91 (2d ed., copyright 1901 by Henry Holt & Co.). See also Burgess, *Political Science*, vol. i., chap. ii., pp. 98-108.

three slavery clauses were blotted out of it by the blood of the men who fell in that terrible struggle. It is still silent as to secession and State sovereignty. But, in the lurid light of the Civil War that silence is no longer misinterpreted."* The war made a nation out of a Federal government; no State government nor any State court now claims the right to finally pass upon the constitutionality of a question, the Supreme Court being

recognized as the proper functionary to decide matters of so grave importance. But there is still the question of States' right, of just as much importance to the country now as it was before the war, particularly with regard to the control of our great commercial corporations, with regard to interstate commerce, and with regard to the rights of aliens in the States under treaties of the government with foreign nations.

APPENDIX TO CHAPTER VI.

I. LIST OF THE MEMBERS OF THE FEDERAL CONVENTION WHICH FRAMED THE CONSTITUTION OF THE UNITED STATES.

<i>New Hampshire.</i>		ATTENDED			ATTENDED
1. JOHN LANGDON.....	July 23, 1787		10. WILLIAM PATTERSON....	May 25, 1787	
JOHN PICKERING,			JOHN NEILSON,		
2. NICHOLAS GILMAN.....	July 23, 1787		ABRAHAM CLARK,		
BENJAMIN WEST,			11. JONATHAN DAYTON	June 21, 1787	
<i>Massachusetts.</i>			<i>Pennsylvania.</i>		
FRANCIS DANA,			12. BENJAMIN FRANKLIN ..	May 28, 1787	
ELBRIDGE GERRY	May 29, 1787		13. THOMAS MIFFLIN	May 28, 1787	
3. NATHANIEL GORHAM	May 28, 1787		14. ROBERT MORRIS	May 25, 1787	
4. RUFUS KING	May 25, 1787		15. GEORGE CLYMER	May 28, 1787	
CALEB STRONG	May 28, 1787		16. THOMAS FITZSIMMONS...	May 25, 1787	
<i>Rhode Island.</i>			17. JARED INGERSOLL.....	May 28, 1787	
[No appointment.]			18. JAMES WILSON	May 25, 1787	
<i>Connecticut.</i>			19. GOUVERNEUR MORRIS...	May 25, 1787	
5. WILLIAM SAMUEL JOHN-			<i>Delaware.</i>		
SON.....	June 2, 1787		20. GEORGE READ	May 25, 1787	
6. ROGER SHERMAN	May 30, 1787		21. GUNNING BEDFORD, Jr..	May 28, 1787	
OLIVER ELSWORTH	May 29, 1787		22. JOHN DICKINSON	May 28, 1787	
<i>New York.</i>			23. RICHARD BASSETT	May 25, 1787	
ROBERT YATES	May 25, 1787		24. JACOB BROOME	May 25, 1787	
7. ALEXANDER HAMILTON..	May 25, 1787		<i>Maryland.</i>		
JOHN LANSING	June 2, 1787		25. JAMES M'HENRY	May 29, 1787	
<i>New Jersey.</i>			26. DANIEL OF ST. THOMAS		
8. WILLIAM LIVINGSTON....	June 5, 1787		JENIFER	June 2, 1787	
9. DAVID BREARLY	May 25, 1787		27. DANIEL CARROLL	July 9, 1787	
WILLIAM C. HOUSTON....	May 25, 1787		JOHN FRANCIS MERCER..	Aug. 6, 1787	
			LUTHER MARTIN	June 9, 1787	

* Gordy, vol. i., pp. 80-81.

<i>Virginia.</i>		ATTENDED	<i>South Carolina.</i>		ATTENDED
28. GEORGE WASHINGTON ...	PATRICK HENBY, (declined.)	May 25, 1787	34. JOHN RUTLEDGE		May 25, 1787
EDMUND RANDOLPH		May 25, 1787	35. CHARLES C. PINCKNEY...		May 25, 1787
29. JOHN BLAIR		May 25, 1787	36. CHARLES PINCKNEY		May 25, 1787
30. JAMES MADISON, Jr.....		May 25, 1787	37. PIERCE BUTLER		May 25, 1787
GEORGE MASON		May 25, 1787	<i>Georgia.</i>		
GEORGE WYTHE		May 25, 1787	38. WILLIAM FEW		May 25, 1787
JAMES M'CLURG, (in the	room of P. Henry).....	May 25, 1787	39. ABRAHAM BALDWIN		June 11, 1787
<i>North Carolina.</i>			WILLIAM PIERCE		May 31, 1787
RICHARD CASWELL, (resigned.)			GEORGE WAITON,		
ALEXANDER MARTIN		May 25, 1787	WILLIAM HOUSTOUN		June 1, 1787
WILLIAM R. DAVIE.....		May 25, 1787	NATHANIEL PENDLETON,		
31. WILLIAM BLOUNT, (in the	room of R. Caswell).....	June 20, 1787	Those with numbers before their names,		
WILLIE JONES, (declined.)			signed the Constitution		39
32. RICHARD D. SPAIGHT....		May 25, 1787	Those in small capitals, never attended.....		10
33. HUGH WILLIAMSON, (in	the room of W. Jones)....	May 25, 1787	Members who attended, but did not sign the		
			Constitution,		16
					65

II. THE CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECT. 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

SECT. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state, shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative, who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of

all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have, at least, one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECT. 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of

the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECT. 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECT. 5. Each house shall be the judge of the election returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member

Each house shall keep a journal of its proceed-

ings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question, shall, at the request of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECT. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECT. 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted), after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECT. 8. The Congress shall have power —

To lay and collect taxes, duties, imposts, and excises:

To pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post offices and post roads:

To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, to grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasion:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the

United States—reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings:—and,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECT. 9. The migration or importation of such persons as any of the states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder, or ex post facto law, shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECT. 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder,

ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECT. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for and of the number of votes for each which list they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state

having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath of affirmation:

"I do solemnly swear, (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SECT. 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for

offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

SECT. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECT. 4. The president, vice president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECT. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECT. 2. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more

states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SECT. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECT. 1. Full faith and credit shall be given in each state, to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECT. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up, on claim of the party to whom such service or labor may be due.

SECT. 3. New states may be admitted by the

Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be construed as to prejudice any claims of the United States, or of any particular state.

SECT. 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support

this constitution but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the 17th day of September, in the year of our Lord 1787, and of the independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

President,

And deputy from Virginia.

New Hampshire.

JOHN LANGDON,
NICHOLAS GILMAN.

Massachusetts.

NATHANIEL GORHAM,
RUFUS KING.

Connecticut.

WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

New York.

ALEXANDER HAMILTON.

New Jersey.

WILLIAM LIVINGSTON,
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

Pennsylvania.

BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

Delaware.

GEORGE READ,
GUNNINGBEDFORD, JR.
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

Maryland.

JAMES M'HENRY,
DANIEL OF ST. THOMAS JENIFER,
DANIEL CARROLL.

Virginia.

JOHN BLAIR,
JAMES MADISON, JR.

North Carolina.

WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

South Carolina.

JOHN RUTLEDGE,
CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

Georgia.

WILLIAM FEW,
ABRAHAM BALDWIN.

Attest.

WILLIAM JACKSON,
Secretary.

AMENDMENTS TO THE CONSTITUTION.

The first ten of these amendments were proposed to the legislatures of the several states by the first Congress, which assembled at New York, in March, 1789; the eleventh article was proposed at the second session of the third Congress; the twelfth article at the first session of the eighth Congress; and the thirteenth in 1865. Having been ratified according to the provisions of the fifth Article of the Constitution, these Amendments form an integral portion of that great charter of American liberty and law.

ARTICLE I.

CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they

shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE XIII.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United

States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor to deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or members of the Legislature thereof, is denied to any of the male inhabitants of such States, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

